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ABSTRACT

These lesson plans on the First Amendment are designed to help elementary school students to understand the history and meaning of the First Amendment and its importance in today's society. Seven lessons for primary grades cover the following topics: (1) Forms of expression; (2) Rights in daily life; (3) The First Amendment; (4) The right to meet in groups; (5) Using your rights; (6) Rights in conflict; and (7) Take away a right. Eight lessons for intermediate elementary grade students are provided on the topics of: (1) The case of the unconstitutional framework; (2) The First Amendment in the news; (3) Life without the First Amendment; (4) Limits to First Amendment rights; (5) Is flag burning protected speech?; (6) Was a Bill of Rights necessary?; (7) How has the First Amendment changed?; and (8) Liberties around the world. Each lesson contains a brief introduction and information on objectives, skills to be practiced, time required, materials and preparation needed, procedure, enrichment/extension activity, and related children's literature. The primary grades section includes information to help teachers teach First Amendment themes and holidays, a bibliography that lists curriculum resources and background reading, and an appendix that discusses social science concepts in the included lessons. The intermediate grades section includes suggested projects, a bibliography, and an appendix briefly outlining social science concepts in the intermediate materials. Both sections contain a description of the Education for Freedom Project, a First Amendment background paper, and a general introduction to the lesson materials. (DB)

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LESSONS ON THE FIRST AMENDMENT FOR ELEMENTARY SCHOOL STUDENTS (K-6)

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LESSONS ON THE FIRST AMENDMENT FOR PRIMARY GRADE STUDENTS

BY ARLENE F. GALLAGHER
WITH LAUREL R. SINGLETON

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The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The Education for Freedom Project

The First Amendment Congress is a coalition of communications organizations created in 1979. It was established by 12 media associations concerned about the preservation of First Amendment rights; membership has grown since 1979 to include four additional voting members and numerous associate members.

The First Amendment declares: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." These freedoms assure Americans a government that is responsible to its citizens and responsive to their wishes. These freedoms are the basic rights of all citizens; if they are to be preserved, the vigilance and support of all citizens is required.

As part of its commitment to making all Americans aware of the importance of their First Amendment freedoms, the First Amendment Congress has undertaken the Education for Freedom Project. The goal of this project is to develop and disseminate curriculum materials for teaching about the First Amendment at all levels. This package of materials for primary students represents one part of the Education for Freedom Project's efforts. Similar packages have also been developed for intermediate, middle/junior high, and high school students.

While elementary teachers may initially feel that concepts related to the First Amendment would be better introduced at later grades, research indicates that learning at all levels—early childhood, late childhood and early adolescence, and late adolescence and adulthood—contributes to giving individuals the values, knowledge, and skills needed for citizenship in a democratic society. As Parker and Jarolimek have pointed out, "The emergence of citizens who are informed, skilled participants in democratic processes, and who are guided in their participation by a disciplined commitment to democratic values does not just happen as a result of ordinary living...political learning occurring in early childhood establishes the basic orientations of a person's political identity and the later political learning of adolescence and adulthood adds knowledge and skills. A foundation is laid in the early years on which a structure is later built."[1]

The project materials will address three critical goals or outcomes:

1. Students will understand the history and meaning of the First Amendment and its importance in today's society.

2. Students will understand that the First Amendment belongs to each individual, not to any one segment of society or institution.

3. Students will understand the importance of protecting their First Amendment freedoms through exercising their rights and responsibilities as citizens in our democracy.

Lessons throughout the materials are keyed to these project outcomes.

Major funding for this project was provided by the Knight Foundation. Additional contributions were provided by: The Hearst Corporation, Samuel I. Newhouse Foundation, Inc., Scripps Howard, Star Tribune/Cowles Media Company, and The Times Mirror Foundation.

[1]Walter Parker and John Jarolimek, *Citizenship and the Critical Role of the Social Studies* (Boulder, CO: Social Science Education Consortium and Washington, DC: National Council for the Social Studies, 1984), pp. 23, 26.

Background on the First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

These 45 words—the First Amendment to the U.S. Constitution—embody some of our most important ideas about the meaning of liberty. Isidore Starr, a nationally recognized leader in the fields of law-related and citizenship education, has described the importance of the First Amendment as follows: "Remove the First Amendment from the United States Constitution and you strike out the very means of testing the other rights and of protesting abuses of government."[2]

The First Amendment includes six clauses that cover five basic areas: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the right to petition the government for redress of grievances. It may be helpful to briefly define each of these rights.

Freedom of Religion

Two clauses in the First Amendment deal with freedom of religion, and both have given rise to many court cases and controversies. The first, called the "establishment clause," is the provision that "Congress shall make no law respecting an establishment of religion." This clause is the basis for our doctrine of separation of church and state. Many of the controversies surrounding this clause have involved education; for example, can tax money be used to support religious schools? Can schools allow time for prayer or meditation during the school day? Can prayers be said at graduation?

The second clause related to religion is called the "free exercise clause." It protects the individual's right to believe as he/she wishes (or not to believe). The free exercise clause has been especially important in protecting the rights of religious minorities, whose practices might otherwise be suppressed by the majority. For example, Moslems, Buddhists, members of the Unification Church, Jehovah's Witnesses, the Amish, the Mormons, Bahais, and Seventh Day Adventists have used the First Amendment guarantee to protect their rights. Members of religious groups more numerous in the United States, such as Protestants, Catholics, and Jews, have also used the free exercise clause, as have people who do not hold religious beliefs.

At times, the two clauses related to religious freedom have been in conflict. For example, in 1983 the Supreme Court heard a case involving use of state funds to hire a chaplain to offer a prayer at the opening of state legislative sessions. While some people challenged the use of state funds as a violation of the establishment clause, others argued that the prayer represented an exercise of the legislators' free exercise rights.

Freedom of Speech

Freedom of speech is regarded by many as the cornerstone of a democratic system. It allows the free exchange of ideas necessary to effective decision making and protects the minority from complete domination by the majority. Some symbolic speech—actions taken to convey a message—are also protected. The 1989 Supreme Court decision on burning the American flag is an example of protecting such symbolic speech, as is the famous Tinker case, which involved high school students' wearing black armbands to protest the war in Vietnam.

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[2]Isidore Starr, *The Idea of Liberty: First Amendment Freedoms* (St. Paul, MN: West Publishing, 1978), p. 5.

Freedom of speech is not without limits, however. Speech that incites someone to commit a crime, for example, is not protected by the First Amendment. Some issues that have arisen around the freedom of speech include the conflict between free speech and public safety, the extent to which freedom of speech is protected in schools—both for teachers and students—and to what extent obscene or pornographic speech is protected.

Freedom of the Press

Thomas Jefferson emphasized the importance of this freedom when he said "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I would prefer the latter." Freedom of the press is yet another cornerstone of American democracy. Like freedom of speech, freedom of the press allows divergent viewpoints to be heard. It is designed to protect the public's "watchdog," charged with monitoring government activities and discouraging government from operating in secrecy and from controlling the information citizens receive.

Issues related to freedom of the press are similar to those surrounding freedom of speech—issues related to individual privacy, libel, "fighting words," product advertising, obscenity, and endangering national security. In recent years the conflict between the press's rights and the right of the accused to a fair trial has been confronted in a number of cases. The rights of high school student journalists have also been weakened.

Freedom of Assembly

The right "peaceably to assemble" is bound up with freedom of speech; the right to say what one wishes to an empty auditorium lacks a key ingredient—the audience. The right to hear a speaker is a key ingredient of the First Amendment. Freedom of assembly is also related to freedom of petition. A large group marching down a street with signs espousing their cause may carry a more forceful message than one person's letter to a public official. However, the possibility of conflict arising when groups confront one another has led to some limitations on the right to assembly. For example, cities may require permits for parades or certain kinds of public meetings. This allows the city to take such precautions as providing police protection.

Over the course of U.S. history, the freedom of assembly (along with Amendments V, IX, and XIV), has been used to protect Americans' right to form or join any association or organization they desire. This "right of association" has also been the center of many court cases, including many involving membership in the Communist Party and the NAACP. Cases involving a school district or university that requires teachers to reveal what organizations they belong to have also generated controversy; such requirements have been found to be unconstitutional.

Right to Petition

The right to petition can be traced back to the Magna Carta, signed in 1215. Petitions also played a key role in the efforts of the American colonists to gain a response from the British king and Parliament. Today, the right to petition takes many forms—the traditional written document to which names are signed, lobbying government officials, and conducting various kinds of mass demonstrations. Civil suits in courts are a form of petition. Issues related to the right to petition have primarily arisen when government officials perceived that the exercise of this right threatened public safety.

History of the First Amendment

The First Amendment—indeed the entire Bill of Rights—was not included in the Constitution when it was written in 1787. However, the issue of a listing of rights that could not be infringed upon by the new, stronger national government became a key in the ratification debates. Those supporting the Constitution argued that many state constitutions already protected individual rights and that failure to list the rights did not mean that they did not exist as natural rights, beyond governmental authority.

Opponents, called Anti-Federalists, disagreed. Remembering their experience as British colonies, the Anti-Federalists feared that the stronger national government would abuse individual rights.

To win ratification in Virginia (although the required nine states had already ratified the Constitution, ratification by Virginia and New York was considered critical to the success of the new government), James Madison pledged his support for adding a Bill of Rights through the amendment process. He was true to his word, introducing a proposal for a 17-amendment Bill of Rights in 1789, within two months of the opening of the first Congress. The 10-amendment Bill of Rights was passed by Congress, ratified by 11 states, and went into effect in December 1791.

When the Bill of Rights—and indeed the larger Constitution—was adopted, it applied only to white propertied males. Furthermore, it only protected people from actions by the federal government; state governments could—and did—restrict freedom of expression and religion, as well as other rights. While the rights of African-American males were protected in the Fourteenth and Fifteenth Amendments, passed following the Civil War, in practice those rights took many more years to achieve. The rights of women have also expanded slowly with time, as have those of Native Americans.

It was not until 1925 that the Supreme Court began to apply the First Amendment to the states. This was done through a process called incorporation. The First Amendment rights were "incorporated" into the Fourteenth Amendment's guarantee of due process: "nor shall any state deprive any person of...liberty...without due process of law." Equal protection of the law was also provided by the Fourteenth Amendment.

The groups and individuals who have been afforded the protection of the First Amendment have changed over time, as have the definitions and limits the courts have given the various rights. Today, as the First Amendment enters its third century, its history is still being written.

The First Amendment at School

The Supreme Court has consistently held that young people, while at school, do have the protection of the First Amendment. However, the school is regarded as a special setting, in which the public has charged school officials with maintaining a safe environment conducive to learning. Several recent cases have signalled the Court's willingness to allow school administrators to limit students' rights in order to preserve such an environment.

One case, *New Jersey v. T.L.O.*, dealt with Fourth Amendment rights. In that case, the Court ruled that "strict adherence to the requirement that searches be based on probable cause" is "unsuited to the school environment." The Court instead proposed a test of "reasonableness," which has been applied in subsequent First Amendment cases as well.

A second case, *Bethel School District No. 403 v. Fraser*, involved a student who made a nominating speech filled with sexual references. The student was disciplined. In this case, the Court held that sexual language could be defined as disruptive behavior in school, although it might be protected in other settings. The Court said school officials do have a responsibility to teach students "the boundaries of socially appropriate behavior."

A third relevant case is *Hazelwood School District v. Kuhlmeier*. In this case, the Court said that administrators may exercise "editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

In a 1990 case, *Board of Education of Westside Community Schools v. Mergens*, the Court ruled that if high schools allow clubs not related to the curriculum, they could not discriminate against clubs with a religious orientation. The Court's ruling said "There is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect."

Introduction to the Primary Materials

This unit for primary-grade teachers is intended to help them develop students' awareness of the rights identified in the First Amendment of the U.S. Constitution. Many complex ideas related to this amendment cannot be explored at the primary level; however, the essence of these rights can be understood when presented in a way that relates to the child's life.

Seven major objectives form the framework for developing students' awareness of the First Amendment. Each objective serves as the basis for one lesson. The objectives are:

- Students will understand and be able to demonstrate common forms of expression.
- Students will explore what a right is.
- Students will know that the First Amendment protects our right to free expression and will understand that the First Amendment was added to the Constitution because of the importance of the rights it protects.
- Students will be able to identify examples of freedom of assembly in everyday life.
- Students will recognize that using our rights has consequences.
- Students will suggest ways of resolving conflicts that arise when citizens use their rights.
- Students will value First Amendment rights.

The lessons in the unit not only relate to the child's experience but also to the elementary curriculum in general and the social science disciplines in particular (see appendix for more details). Furthermore, the activities also develop skills in the four language arts: reading, speaking, writing, and listening.

Teachers who are concerned about the role of reading will especially appreciate the selection of children's literature correlated with each of the activities. The recommended books can be used in a variety of ways: to introduce activities, to enrich the activities, or in a "First Amendment Learning Center."

Although a teacher may choose to use the lessons in any order, the most basic ideas are presented in the first few activities. The lessons or portions of the lessons can be done at any time during the school year but are most effective if spread out over a period of weeks, rather than taught one day after another. Dispersing the instruction will give both the teacher and students more opportunity to reflect on the concepts and integrate the learning with other experiences. **Note that it is not necessary for a teacher to use all the lessons in order for students to benefit.**

All the lessons use a participatory approach that encourages students to discuss, role play, conduct surveys, create projects, and in other ways become engaged in their learning. Although questions for discussion are suggested, teachers are encouraged to develop their own questions to better key the discussion to their students' abilities. Teachers should also feel free to modify or adapt the lessons in whatever way seems appropriate for their communities. Several letters to parents are included with the lessons.

The matrix on the following page provides an overview of the lessons, including the time and materials required to use them. The unit concludes with a bibliography and suggestions for teaching First Amendment concepts in conjunction with holiday observances.

Matrix of Activities

Lesson	Focus	Related Outcome*	Materials Needed	Time Required	Related Literature
1. Forms of Expression	Forms of expression	1	Samples of birthday cards and other forms of expression; art materials, Letter 1	2 class periods	*Oh No! It's Waylon's Birthday*; *Frederick*; *Happy Birthday, Grampie*
2. Rights in Daily Life	Rights	1	Handout 1; pictures of students (optional)	1 class period	*If I Were in Charge of the World*; *How the Statue of Liberty Was Built*
3. The First Amendment	First Amendment/ Constitution	1	Copy of the Constitution; Handout 2; art materials and large paper circle cut into fifths	2 class periods	*We the People; Deadline! From News to Newspaper; How a Book Is Made*
4. The Right to Meet in Groups	Assembly	1	Letter 2	1 class period plus homework	*Mr. McGill Goes to Town; Which One Would You Choose?*
5. Using Your Rights: Analyzing Consequences	Consequences	2	Copy of *The Boy Who Cried Wolf*; Handout 3 (optional)	1 class period	*Noisy Nora; Aesop's Fables*
6. Rights in Conflict	Conflicts	2	Handout 4	1-2 class periods	*Six Crows; Awful Aardvark*
7. Take Away a Right	Value of rights	3	Letter 3; copies of comic section of newspaper	2-3 class periods	*Xerus Won't Allow It*

*1. Students will understand the history and meaning of the First Amendment and its importance in today's society.
2. Students will understand that the First Amendment belongs to each individual, not to any one segment of society or institution.
3. Students will understand the importance of protecting their First Amendment freedoms through exercising their rights and responsibilities as citizens in our democracy.

1 Forms of Expression

Introduction:

This lesson introduces the concept of expression by using something students have all experienced—birthdays. By examining forms of expression in their daily lives, students become aware of the variety of ways in which people communicate their ideas, needs, and feelings.

Objectives: At the conclusion of this lesson, students will be able to:

- Give a simple definition of *expression.*
- Demonstrate common forms of expression.

Skills: Students will practice the following skills:

- Brainstorming
- Observing
- Classifying
- Creating a form of expression

Time Required: 2 class periods

Materials and Preparation: Before class, collect samples of birthday cards and such other forms of expression as letters, artwork, books, bumper stickers, buttons or T-shirts with messages, and newspapers. Older students can be asked to bring these to class. You will also need art supplies for the expression project to be done by students. This may be making posters, bumper stickers, buttons, or decorated T-shirts. You may wish to coordinate this portion of the activity with the art teacher.

You may want to make copies of Letter 1 to send home with students.

Procedure:

1. Make the following statement: "I'm thinking about something everyone in this room has." Ask children to guess what you are thinking about. Add these clues, encouraging guesses after each:

- This is something everyone in the school has.
- This is something everyone in your family has.
- This is something everyone in the United States has.
- This is something everyone in the world has.
- This is something even your pets have.

2. If students have not guessed "birthday," bring out the assortment of birthday cards for a clue. When you have established that the answer is a birthday, ask why we send birthday cards. (To wish the person a happy birthday, to show the person we care about him or her) What are some other ways

in which we wish people "Happy Birthday"? (Say it, sing it, send a telegram, give a gift, have a party) **Note:** If there are students in your class who do not celebrate birthdays for religious reasons, you may skip steps 1 and 2.

3. Tell students that these are all ways of expressing our feelings about the person's birthday. Write the word *Expression* on the chalkboard and explain that expression means telling our thoughts or feelings or sharing information. Ask students to brainstorm a list of ways we tell our thoughts or feelings and share information. You may wish to stimulate their thinking by displaying the sample items you gathered before class. Post students' responses on the chalkboard under the *Expression* heading.

4. Ask students to look for examples of these and other forms of expression during the rest of the school day and at home that evening. You may have each student bring in an example to class the next day.

5. At the beginning of the next class period, ask how many students observed or brought in examples of each of the forms of expression listed on the chalkboard. Tally the results and allow some time for students to share observed examples. Encourage students to suggest additional forms of expression not included on the list. If such items as television, radio, and music have not been mentioned, ask students to describe their activities the previous evening in order to stimulate these responses.

7. Form groups based on the months of the year in which students' birthdays occur (two months per group). Provide students with the materials needed to produce a form of expression; all groups may work on one form (such as a bumper sticker) or groups can choose their own forms.

Enrichment/Extension:

Prepare a bulletin board using the students' expression projects. Encourage children to bring in additional samples of expression to display. Have students draw pictures of ways they express ideas.

Related Children's Literature:

Lionni, Leo, *Frederick* (New York: Knopf, 1967).

Frederick is not only a superb piece of literature, it also focuses on the importance of language and art to a community. Frederick is a mouse who gathers the sun's rays and seems to dream away the summer. However, when winter comes and all the food is gone, the other mice in the community are grateful to Frederick, who describes the colors of summer and helps them forget their hunger by reciting the poems he created. The theme of art and its ability to sustain us is presented with grace and style.

Discuss why it was important for Frederick to be able to tell his stories and poems. What would have been lost by the community if there was a rule against telling stories? Why was Frederick's gift important?

Pearson, Susan, *Happy Birthday, Grampie* (New York: Dial, 1987).

This book describes how Martha prepares a special birthday card for her blind grandfather. An excellent example of expression directly linked to the lesson.

Stevenson, James, *Oh No, It's Waylon's Birthday* (New York: Greenwillow Books, 1989).

This humorous book contains three stories about Waylon the elephant, who is celebrating his 249th birthday. Many examples of expression appear in these stories. The stories can be used to stimulate other ideas about expression as well as serving as a springboard for discussing the idea that people sometimes need a quiet place.

Dear Parents,

This week we are starting a unit on the First Amendment. You may therefore be hearing from your child about the rights the First Amendment protects: freedom of religion, freedom of speech, freedom of the press, the right to assemble, and the right of petition.

For the next activity, each child needs a school picture of him/herself. If you have an extra copy, please send it to school tomorrow.

As we continue with the unit, we may be doing some other activities that you will be able to help your child complete. I will send you more information at that time.

I think students will enjoy studying this very important topic.

Sincerely,

2 Rights in Daily Life

Introduction:

In Lesson 1, students learned to identify forms of expression. This lesson introduces the concept of a right—freedom of expression. The ideas of rights and freedoms are fundamental to an understanding of our political system; the lesson thus lays a foundation for much subsequent learning.

Objectives: At the conclusion of this lesson, students will be able to:

- Explain in simple terms what a right is.
- Recognize examples of freedom of expression in everyday life.

Skills: Students will practice the following skills:

- Classifying
- Comparing and contrasting
- Discussion skills

Time Required: 1 class period

Materials and Preparation: Make copies of Handout 1 for all students, cutting the illustrations apart so they can physically sort the examples and nonexamples. If you use the **Enrichment/Extension**, you will need a school picture or instant picture of each student.

Procedure:

1. Review with students the definition of *expression* developed in the previous lesson—telling our thoughts or feelings or sharing information.

2. Ask students to imagine that they have an important idea. They cannot tell anyone else about it, write about it, or in any other way express their idea. How would they feel? What would they do? What problems would be created? Allow time for discussion of student reactions to this scenario.

3. Tell students that in the United States, such a problem should not happen because we have a right to freedom of expression. Ask students if they know what *right* means. Help them arrive at a simple definition of the term. Such a definition might be "Having a right means being able to do something without anyone saying that you can't." Thus, having the right to freedom of expression means being able to tell your thoughts or feelings without someone stopping you.

4. Distribute Handout 1 and have students indicate which pictures show someone using their right to freedom of expression. Students should note that pictures A, C, D, F, and H show people using their right to freedom of expression; pictures B, E, and G do not show expression (although some students might see playing soccer as a way of expressing feelings about being outdoors, etc.).

Enrichment/Extension:

Have each student paste his/her school picture in the middle of a sheet of paper and then draw a cartoon "bubble" near the head showing what thoughts he or she would like to express about rights. Alternatively, have pairs or trios of students present skits showing the effects of not having freedom of expression.

Related Children's Literature:

Viorst, Judith, *If I Were in Charge of the World* (New York: Atheneum, 1982).

The title poem in this collection is a whimsical look at "rights" from a child's viewpoint. Read aloud to the class, it can be used to spark discussion or writing about the freedoms most important to students. The poem "Talking" is also appropriate.

Shapiro, Mary J., *How They Built the Statue of Liberty* (New York: Random House, 1985).

Liberty is a cherished concept in this country, one which has drawn people from many other places where individual liberty has not been a priority. The Statue of Liberty has long been a symbol to immigrants coming to the shores of the United States seeking freedom. This book describes in vivid and historical detail how this statue was built.

Students might also reread favorite books, taking a new perspective in looking for examples of First Amendment rights. Several examples (at varying levels of difficulty) are:

Burchardt, Nellie, *Project Cat* (New York: Watts, 1966). Freedom of petition.

Cleary, Beverly, *Dear Mr. Henshaw* (New York: Dell, 1984). Freedom of the press.

Pinkwater, Manus, *The Big Orange Splot* (New York: Hastings House, 1977). Freedom of expression.

Zemach, Harve, *The Judge* (New York: Farrar, Straus and Giroux, 1969). Freedom of speech.

A. Is this freedom of expression?

B. Is this freedom of expression?

C. Is this freedom of expression?

D. Is this freedom of expression?

E. Is this freedom of expression?

F. Is this freedom of expression?

G. Is this freedom of expression?

H. Is this freedom of expression?

3 The First Amendment

Introduction:

Building on the previous lesson, this lesson identifies the First Amendment as the source of several important rights. While very young children may not fully understand the role of the Constitution, simply becoming familiar with the term is a positive first step in learning about our nation's history and system of laws.

Objectives: At the conclusion of this lesson, students will be able to:

- List the First Amendment rights.
- Explain the origin of the First Amendment rights.

Skills: Students will practice the following skills:

- Working in groups
- Listening and speaking

Time Required: 1 class period

Materials and Preparation: Check with the librarian or media specialist to see if an oversized copy of the Constitution is available. For older students, you may want copies of Handout 2. You will also need art materials and a large circle of paper or poster paper cut into five equal "pie slices."

Procedure:

1. Review with students the ideas of *right* and *freedom of expression.*

2. Tell students that in this lesson, they are going to explore where rights come from. Ask students to list the rights they have in your classroom. These might include such items as the right to use the pencil sharpener, the right to go to the bathroom, the right to get a drink of water, and so on. Post these items on the chalkboard. Ask students where these rights came from. (They were agreed upon by the students and the teacher.) Have they been written up in a formal document or piece of paper? If not, you may want to assign a group of students to prepare a list of the class rights.

3. Tell students that rights in our country came about in a similar way. Hold up the copy of the Constitution and tell students the Constitution is the basic plan or rules for organizing our country's government.

The original Constitution did not have a list of rights, but many people thought it should. The list was later added as the first ten amendments, called the Bill of Rights. The First Amendment lists some of our most important rights.

4. Tell students they are going to hear a story about the First Amendment. For older students, you may distribute Handout 2 and read the story with the class. For younger students, you may read the story on the handout yourself. Tell students to listen as you read. Each time you mention a right, they should raise their hands. Post the rights on the board as the students identify them in the story.

5. Divide the class into five groups. Give each group one of the "pie slices" cut from the circle. Assign a particular freedom to each group, telling them to draw an illustration or find pictures in magazines showing why that freedom is important. When all the groups are finished, assemble their work into a circle illustration and display it in the classroom.

Enrichment/Extension:

Take students on a mini field trip around the neighborhood to observe people using their freedom of speech, press, assembly, and so on. Students can work in pairs or triads to gather and record evidence of these rights being used. Upon returning to the classroom, students might create drawings or booklets illustrating what they observed.

Related Children's Literature:

Spier, Peter, *We the People: The Constitution of the United States* (New York: Doubleday, 1987).

Multiple illustrations accompany each phrase of the Preamble to the U.S. Constitution. For example, 16 different scenes portray the meaning of "insure domestic tranquillity," 40 depict "promote the general welfare," and 45 symbolize "secure the Blessings of Liberty." Many illustrate the connection between First Amendment rights and the purposes of our government as described in the Preamble. Because the illustrations are rather small, the book might best be used by placing it in a learning center. Encourage students who examine the book to create illustrations of their own for display with the book.

Gibbons, Gail, *Deadline! From News to Newspaper* (New York: Crowell, 1987).

The colorful illustrations help to transmit sophisticated information about gathering, writing, and printing a daily newspaper. This book answers questions about how the morning's news becomes a story in the afternoon newspaper and how reporters, photographers, and editors work together to meet deadlines. The book could be used to encourage interested students to undertake development of a class newspaper.

Aliki, *How a Book Is Made* (New York: Thomas Y. Crowell, 1986).

Using cartoon-style drawings, this book shows in great detail how a book goes from an idea in an author's head to a published work on a child's bookshelf. Combined with the book above, this title could be the basis for creating a detailed list of people whose work depends on freedom of the press.

Autobiography of the First Amendment

Hi! I'm the First Amendment. An amendment is a change, so my name means First Change. I was the first change made in the Constitution. My friends call me Number One.

I was proposed to the 1789 Congress by a man named James Madison. The Senators and Representatives rewrote me to get agreement on my ideas.

One of those ideas was the idea that people should be able to believe what they want. They should be able to go to any church, synagogue, temple, or mosque. Or they should be able to decide not to go to church at all. The government should not be able to stop them. That's called freedom of religion.

My favorite big idea is freedom of speech. I love to talk. And I have good ideas that people should hear.

Do you ever read the newspaper? Or watch the news on television with your parents? Or read a good book? Reporters can write or tell about the news because of me. Authors can write books on almost anything. Because of me, no one can stop writers or broadcasters from saying what they think is wrong with the government. This is called freedom of the press. A press is a machine for printing books or newspapers.

Do you like to get together with your friends and talk about things? Do you ever call some people and try to get them to do something with you? I protect your right to get together with other people.

When you hear people complaining about the government, I can help. I give people the right to let the government know when they think it has done something wrong.

I'm getting old—200 on December 15, 1991. But I still feel young. I know I'm still important because of the rights I protect. I hope you'll help me stay strong.

4 The Right to Meet in Groups

Introduction:

The right to meet in groups, to discuss and debate common interests and concerns is a basic cornerstone of democracy. In countries where this right is curtailed, citizens' participation in self-governance is seriously limited.

Objectives: At the conclusion of this lesson, students will be able to:

- Identify examples of freedom of assembly in everyday life.
- Recognize that having rights includes the right not to exercise them.

Skills: Students will practice the following skills:

- Decision making
- Discussion
- Interviewing

Time Required: 1 class period plus homework

Materials and Preparation: Prepare a list of groups students might belong to; some suggestions are given in step 2 under the **Procedure.** Add to or delete from this list depending upon the background of your students. You will also need copies of Letter 2.

Procedure:

1. Remind students that the First Amendment gives people the right to meet in groups, called freedom of assembly. It is very important for people to be able to get together. If the government could prevent people from meeting in groups, they wouldn't be able to talk to each other about their ideas and concerns.

2. Explain that the class is going to play a game called "Assemble, Reassemble." Start by designating two places in the room for students to go to and a place in the middle of the room to represent the "right not to assemble." Call out the choices and have students go to stand in the place of their choice. They may take a moment to say something about their choice or you can move quickly from one topic to the other. *Begin with simple preferences and move to topics that require more thought.* The more complex topics will lend themselves to discussions about how choices are made and the consequences of those choices. Designate additional places to stand as the number of choices increases.

Suggested Topics

- Chocolate ice cream fan club or vanilla ice cream fan club
- A cooking club or a painting club
- Brownies or Cub Scouts

- People who like cartoons or people who think cartoons are too violent
- People who think your school is great or people who think your school needs some changes

If you plan to use the **Enrichment/Extension** activity, tally the number of students choosing each option.

3. After students have assembled and reassembled, conduct a discussion about the choices they made. What did people have in common? How did it feel to exercise the "right not to assemble"? Did students ever join a group because their friends did? Why should they choose based on their own beliefs rather than on who else belongs to the group?

4. Focus on the importance of freedom of assembly for purposes of expressing ideas. What might a group that thinks cartoons are too violent do to express its ideas? How could they use freedom of assembly to get their ideas to more people? (Have a rally, demonstration, or public meeting in which they present their views.)

5. Ask students to recall any large groups they belong to. Where do they meet? What common interests or concerns do these real-life examples of freedom of assembly have?

6. Tell students they are going to interview their parents about the right to assemble. Distribute Letter 2, going over the questions to be answered with students.

Enrichment/Extension:

Help students graph the results of the "Assemble, Reassemble" activity. Older students might interview students or teachers in other classes to find out what kinds of groups they belong to. With the class, categorize the groups. Create a bulletin board display illustrating the categories.

Related Children's Literature:

Aylesworth, Jim, *Mr. McGill Goes to Town* (New York: Henry Holt, 1989).

This cumulative story tells of four friends who help each other with their work so they can all go to the town fair. The story encourages listener participation through repetition of lines children can quickly pick up and read with the storyteller. The story could also be acted out or pantomimed. A follow-up discussion can focus on activities that require or are more enjoyable when done with other people.

Kunhardt, Edith, *Which One Would You Choose?* (New York: Greenwillow Books, 1989).

This simple straightforward book about choosing engages the reader. The story takes Maggie through her day as she makes choices of what to wear, what to eat, which flower to give her grandmother, etc. For each of the decisions, four choices are displayed for the reader to select. This book may be especially appropriate if students in your class tended to follow their friends rather than making choices for themselves in the assembly activity.

Dear Parents,

Our First Amendment unit is continuing. Today we talked about freedom of assembly—the right to meet in groups. To help the students understand real-life examples of this right, I hope you will describe a group you belong to for your child. The group can be political, religious, service, or recreational. Your answers will not be shared with the class.

Thanks for your help.

Sincerely,

* * * * * * * * * * *

1. Name a group to which you belong.

2. What common interests or concerns do you share with other members of the group?

3. Why is belonging to this group important to you?

5 Using Your Rights: Analyzing Consequences

Introduction:

Rights carry responsibilities. We have the right to exercise our freedom to speak, for example, but we must also recognize that using that right has consequences, some good and some bad.

Objectives: At the conclusion of this lesson, students will be able to:

- Recognize examples of the exercise of First Amendment rights.
- Identify consequences of exercising First Amendment rights.

Skills: Students will practice the following skills:

- Listening
- Making inferences
- Evaluating consequences

Time Required: 1 class period

Materials and Preparation: You will need a copy of *The Boy Who Cried Wolf* (numerous published versions are available). If you plan to use the **Enrichment/Extension** activity, you will also need copies of Handout 3.

Procedure:

1. Read the story *The Boy Who Cried Wolf* aloud to the class. There are a number of published editions of this familiar tale that deals with consequences. A young boy is supposed to be watching the sheep and is told to cry "Wolf!" if he sees one threatening the sheep. The boy gets bored watching sheep, so he calls "Wolf!" just to see what will happen. The people come running and are upset with the boy when there is no wolf. He does this a number of times until people no longer believe him. When the wolf actually shows up, people don't believe him and he loses his flock.

2. Ask students whether the boy had freedom of speech. What happened when he used it? (At first, people believed him and came to help, but later they didn't.) Would students say the consequences of his actions were good or bad? (Bad)

3. As a whole class or in small groups, have students guess what the consequences of using rights will be in each of the following cases. Are the consequences good or bad in students' views?

- Frances likes to make telephone calls. She picks a number out of the telephone book and calls the number. When someone answers, Frances tells a joke and hangs up.
- Geraldo is bothered by the number of automobile accidents that occur on the street where he lives. He writes a letter to the editor of the local newspaper stating that something should be done about this problem.

- Jim is a Cub Scout. At each meeting, members report on their achievements, but Jim keeps interrupting, saying that he's a better Scout.
- Charlene has an argument with her neighbor. The neighbor's dog barks all night and keeps Charlene awake. Charlene prints a flyer that says "People who don't keep their dogs quiet should move out of town." She passes out the flyers in her neighborhood.
- A group of neighbors get together to talk about robberies in their neighborhood. They decide to organize a neighborhood crime watch. Each person will patrol the neighborhood one night a week.

Enrichment/Extension:

Give students copies of Handout 3. Have them cut out the pictures and arrange them in the correct order (E, A, C, D, B). What rights were used in the picture story? (Freedom of expression, freedom of assembly) Were the consequences of using these rights good or bad? (Good)

Related Children's Literature:

Wells, Rosemary, *Noisy Nora* (New York: Dial, 1973).

This book deals with a universal problem in a simple, direct way. A little mouse named Nora interferes with others by being noisy. Her parents finally realize that she does it to get attention.

Aesop's Fables

A number of different collections of fables could be used to discuss values relating to freedom of expression. A recent edition, *Anno's Aesop*, by Mitsumasa Anno (New York: Orchard Books, 1989) has an interesting twist: a second version of each story that often runs counter to the original.

A Story About Rights and Rubbish

6 Rights in Conflict*

Introduction:

Everyone has the same rights under the U.S. Constitution, with the result that my right to speak sometimes conflicts with your right to have peace and quiet. These conflicts can often be resolved by having each of the parties look at the problem from the other's viewpoint and working out resolutions through mediation and negotiation. Taking conflicts to court should be the last resort.

Objectives: At the conclusion of this lesson, students will be able to:

- Recognize that exercising our rights can result in conflicts.
- Take a perspective different from their own.

Skills: Students will practice the following skills:

- Reading
- Recognizing situations involving conflicts
- Brainstorming alternatives
- Analyzing alternative solutions from different viewpoints

Time Required: 1 class period

Materials and Preparation: You may want to copy Handout 4 for all students.

Procedure:

1. Introduce the activity by telling the students that you are going to conduct an experiment. Everyone is going to talk at the same time. Have students read something out loud, sing their favorite songs, recite poems, or just repeat their names and addresses. You should also speak, giving the class some directions to do certain things. Continue for a few minutes and then talk about what happened. Did anyone follow the teacher's directions? Students will inevitably conclude that when everyone is talking, no one is listening.

2. With older students, distribute Handout 4 and read the story aloud with the class. With younger students, you may simply wish to read the story aloud yourself. Tell students to listen to what happened to the two people in the story. (Note: You may use an actual conflict that arises among class members in place of the story.)

3. Ask students to identify the problem. Jarrod's rights are in conflict with Stephanie's rights. Explain that conflicts are a natural part of human relationships. Everyone gets into fights or arguments once in a while. Sometimes people can resolve their conflicts, but sometimes they cannot. A third

*Adapted with permission from "The Professional Tap Dancer," in *Living Together Under the Law: An Elementary Education Law Guide*, by Arlene F. Gallagher (Albany, NY: New York State Bar Association, 1989).

person can often help to resolve the conflict between two people. That person has to be someone who can see both sides of the argument and come up with a solution that's fair to both people. In a court, that "third person" is a judge.

4. Have students identify what two rights are in conflict in the story:

- Stephanie's right to prepare for her profession and express herself through music.
- Jarrod's right to have peace and quiet in his own home. People have a right to a reasonable amount of quiet in their homes.

5. Explain that there are many ways to resolve this conflict. Some solutions are better than others because they are fairer to the people involved. One way to evaluate a solution is to use the following scales:

Reasonable	Unreasonable
Peaceful	Violent
Fair for All	Unfair for Some
Legal	Illegal

Have students consider the following solutions to the problem:

Solution 1—Jarrod ties a rope across the stairs so that Stephanie will trip and break her wrist. No more keyboarding.
Solution 2—Jarrod buys ear plugs and that lessens the noise somewhat.
Solution 3—Jarrod and Stephanie agree on a schedule of keyboarding on alternate evenings.
Solution 4—Jarrod and Stephanie go to their parents and have the parents resolve the problem.

6. Have students brainstorm as many other alternatives as they can. Write all the alternatives on the chalkboard. Then pair the students for role plays. One student will be Stephanie and the other Jarrod. Pairs should discuss the conflict and come up with a resolution that is acceptable to both sides.

7. Have the pairs announce their decisions and the reasons for them. Create a graph of the pairs' responses on the chalkboard using tallies or squares of self-adhesive paper.

Enrichment/Extension:

Identify conflicts that students have experienced and discuss how their resolution was similar or different from the ones that evolved from the role plays.

Related Children's Literature:

Lionni, Leo, *Six Crows* (New York: Alfred A. Knopf, 1988).

In this story, a farmer and some crows have a conflict. The farmer is tending his wheat, but when it ripens, the crows eat it. To scare the crows away, the farmer builds a scarecrow. The crows decide they must scare this terrible creature away, so they create a ferocious kite out of bark and dry leaves and fly the kite over the field, pulling it by strings held in their beaks. Both sides escalate until an owl convinces them to talk to each other to resolve the conflict.

Mwalimu and Adrienne Kennaway, *Awful Aardvark* (Boston: Little, Brown and Company, 1989).

In this witty and original African tale about how one animal's behavior conflicts with the others' needs, the aardvark's snoring keeps the animals awake until they decide to be more annoying than he is. In the tradition of the "Just So" stories, this tale explains why the aardvark sleeps all day. The full-page paintings bring the beauty and mystery of the nighttime jungle to life in this humorous tale.

The Keyboard Kid

Stephanie and Jarrod lived in an apartment building. Jarrod's apartment was directly above Stephanie's. They were pretty good friends who spent a lot of time together. They both liked bowling, eating pizza, reading good books, and lots of other things. Their friendship ended when Stephanie got an electronic keyboard.

"I don't have anything against keyboard players, Stephanie," Jarrod said. "But do you have to practice every evening? The noise is driving me crazy."

"Sorry," said Stephanie. "But I have to practice if I'm going to be a professional. Besides, music is how I express myself."

"Sure," said Jarrod. "But what about my rights? You're disturbing the peace. My peace."

7 Take Away a Right

Introduction:

Too often, we take our freedoms in the United States for granted. We have always had them and we assume we always will, but many people in the world do not have similar rights. This activity forces students to think critically about their rights.

Objectives: At the conclusion of this lesson, students will be able to:

- Describe what it is like to lose a right.
- Prioritize the rights protected by the First Amendment.

Skills: Students will practice the following skills:

- Making choices
- Questioning and collecting data

Time Required: 2 class periods

Materials and Preparation: You will need copies of Letter 3 to send home with students a day or two before using the lesson. You will also need several copies of the comic section of the newspaper.

Procedure:

1. Review with students the rights protected by the First Amendment:
   - Freedom of speech
   - Freedom of the press
   - Freedom of religion
   - The right to meet in groups
   - The right to ask the government to correct unjust actions

2. Tell students they are going to do an experiment to help them see what life would be like without their rights. For the rest of the day, they will lose the following:
   - The right to talk in the lunchline and cafeteria (freedom of speech)
   - The right to write anything not assigned by the teacher (freedom of the press)
   - The right to read anything printed in black ink (freedom of the press)
   - The right to talk or play with more than one friend on the playground (freedom of assembly)
   - The right to ask the teacher to change the rules (freedom of petition)

For the rest of the day, enforce these new standards; be sure to make one or more unpopular decisions during this period about which children cannot complain. **Note:** If your students' tolerance for change or discomfort is low, you may want to limit the simulation to an hour.

3. The following day, allow considerable time for discussion of students' feelings about losing their rights.

4. Remind students which of the First Amendment rights each of the rights they lost represented. Briefly describe what life might be like without each of the rights, including freedom of religion, which was not included in the simulation.

5. Tell students they are going to have to decide which right they would give up. Allow students to decide independently which of the rights they would give up. Tally the results on the chalkboard. Allow a number of students to explain the reasons for their choices.

6. Divide the class into groups according to the rights they said they would give up. Within each group, the students should develop a reason why giving up that right would change our lives. The teacher should circulate from group to group providing assistance as needed.

7. Next, have students cut out pictures of their favorite comic characters. Each student should create a "bubble" for his/her character; the words or thoughts in the bubble should teach other classmates how their lives would be different without the particular right that student voted to give up.

Enrichment/Extension:

Have students conduct a survey of people not in the class about which right they would give up. Chart the data collected and discuss the reasons people stated.

Related Children's Literature:

Hefter, Richard, *Xerus Won't Allow It* (New York: Holt, Rinehart and Winston, 1978).

One of the *Sweet Pickles* series, this story involves Xerus, who uses her freedom of the press to put signs all over town prohibiting other behaviors. Although her actions were intended to solve problems, restricting people's rights causes even more problems.

Dear Parents,

As the last activity in our First Amendment unit, we will be doing a brief simulation of what it would be like to lose some of our First Amendment freedoms. For part of the day on _____, students will lose the following rights:

- The right to talk in the lunchline and cafeteria (freedom of speech)
- The right to write anything not assigned by the teacher (freedom of the press)
- The right to read anything printed in black ink (freedom of the press)
- The right to talk or play with more than one friend on the playground (freedom of assembly)
- The right to ask the teacher to change the rules (freedom of petition)

Freedom of religion will not be included in the simulation.

The experience may be frustrating for students, so they are likely to want to talk about it when they get home from school that day.

When the simulation has been completed, your child may be asking you which of the First Amendment rights you would give up if you had to choose one.

Thanks for your support in this unit.

Sincerely,

Teaching First Amendment Themes and Holidays

The study of holidays is often an integral part of the primary social studies curriculum. Such study can be enriched through activities that develop First Amendment themes. The following are just a few of the many possibilities for holiday activities related to the First Amendment.

Special Days, Weeks, and Months

Nearly every day, week, and month is a holiday somewhere in the world or has been designated as honoring a person, thing, event, or idea. Some such observances are quite serious (National Women's History Month, National Poison Prevention Week, National Agriculture Day) while others are more light-hearted (National Pickle Week, Buzzard Day, Procrastinators' Day). Create a large monthly calendar showing holidays, as well as special observances; assign each student one observance or holiday per month about which to create a visual project. The projects should express students' feelings toward the object, event, or idea being honored or promoted or should show how people who celebrate a particular holiday express themselves on that day. A useful resource in identifying holidays and observances is *Chase's Calendar of Annual Events: An Almanac and Survey of the Year* (Flint, MI: Apple Tree Press, annual).

Thanksgiving Day

The Pilgrims came to the New World to escape religious persecution. Today, immigrants continue to come to the United States to gain freedom. Invite a recent immigrant to visit your class. Ask him or her to explain in simple terms the reasons for coming to the United States. How are rights here different than in the home country? What is the person thankful for at this special time of year? A different perspective on religious freedom can be gained through the children's book *The Jews of New Amsterdam*, by Eva Deutsch Costabel (New York: Atheneum, 1988). This book tells about colonists' responses to the first Jewish settlers in what would become New York.

Martin Luther King Day

Martin Luther King Day provides an excellent forum for examining the First Amendment rights of speech, assembly, and petition. To focus on petition, read students an age-appropriate biography of King (for example, David Adler's *Martin Luther King, Jr: Free at Last* published by Holiday). Ask students to stop you each time you read about an injustice that King wanted to correct. Post these items on the chalkboard as you proceed. When you have finished reading, have students match each injustice with a form of petition (march, sit-in, speech, boycott, etc.) used by King.

Valentine's Day

Valentine's Day is a holiday dedicated to expression of feelings of friendship and love. Brainstorm with students all the ways in which they could express the idea "You are my friend." Create a bulletin board illustrating the list students created. Encourage students to make books illustrating all the ways another such message could be expressed. *Kite Flier*, by Dennis Haseley (New York: Macmillan/Four Winds, 1986) is a charming story of how a father expresses love for his son by building kites.

Presidents Day

Point out to students that radio and television did not exist when Washington and Jefferson were in office. Newspapers, books, magazines, and pamphlets were published; however, people in remote areas often did not receive news of events until days, weeks, or even months after they happened.

During the week before Presidents Day, set aside a time each day for students to share newspaper clippings about the president. Briefly summarize the items. Keep a tally sheet indicating how many items are about the president's daily activities, his family, and his policies or ideas. Also indicate how many items are reporting on the events and how many are providing opinions on the president's ideas (you may need to bring in some editorials or political cartoons to make sure some opinions are represented). Post the items on the bulletin board.

A book to enhance your study of presidents is *The Buck Stops Here: The Presidents of the United States*, by Alice Provensen (New York: Harper Collins, 1990). This book provides pictures of the 41 presidents, accompanied by rhyming text.

St. Patrick's Day

St. Patrick's Day is well known for parades. Point out that parades are a form of freedom of assembly. Parades are held for many reasons. St. Patrick's Day parades are held to celebrate the heritage of one of our ethnic groups. With the principal's cooperation, have your class plan a parade to celebrate the heritage of ethnic groups represented in your school. Invite other classes to participate in the parade. Two books that focus on a festival celebrated by another ethnic group are *Chinese New Year*, by Tricia Brown (New York: Holt, 1987) and *Lion Dancer: Ernie Wan's Chinese New Year*, by Kate Waters and Madeline Slovenz-Low (New York: Scholastic, 1990).

Memorial Day

On Memorial Day, symbols are used to express respect for people who have died defending our country. Among these symbols are flags and flowers. Create a bulletin board display of symbols representing the United States. Discuss with students what ideas or beliefs these symbols express. Why are rights or liberties an important part of so many symbols? Two appropriate books to accompany this display are *The Wall*, by Eve Bunting (New York: Clarion, 1990), which tells the story of a boy and his father visiting the Vietnam Veterans' memorial; and *The Inside-Outside Book of Washington, D.C.*, by Roxie Munro (New York: Dutton, 1987), which contains detailed drawings of 12 sites in the capital that are in themselves symbols of our country.

Bibliography

The following is a very brief "starter list" of resources on the First Amendment and Bill of Rights. For more extensive bibliographic listings, see the book by Patrick and Leming listed below. *Update on Law-Related Education*, a journal published three times each year by the American Bar Association, is a useful resource for keeping up to date with not only new materials on the First Amendment, but also new Supreme Court decisions related to First Amendment rights.

Curriculum Resources

"Freedom Has a Name: The Bill of Rights," special issue of *Update on Law-Related Education* (Spring 1991). Substantive articles and teaching strategies.

Our American Rights, developed by *Learning Magazine* (Washington, DC: Commission on the Bicentennial of the United States Constitution, 1990). Learning activities and poster illustrations.

Patrick, John J., and Robert S. Leming, *Resources for Teachers on the Bill of Rights* (Bloomington, IN: ERIC Clearinghouse for Social Studies/Social Science Education, 1991). Sample lessons on the Bill of Rights, plus extensive bibliographic listings.

Repa, Barbara Kate, ed., "First Amendment Rights," special section of *Social Education* (October 1990). Substantive discussions, opinion pieces, and classroom activities.

Background Reading

Alderman, Ellen, and Caroline Kennedy, *In Our Defense: The Bill of Rights in Action* (New York: Morrow, 1991). In-depth studies of civil liberties cases that have made history.

Haskel, Claudia A., and Jean H. Otto, eds., *A Time for Choices* (Denver, CO: First Amendment Congress, 1991). Essays on the amendments comprising the Bill of Rights.

Hentoff, Nat, *The First Freedom: The Tumultuous History of Free Speech in America* (New York: Delacorte Press, 1988, rev. ed.). Readable analysis of cases related to the freedom of speech.

Inglehart, Louis, *Press Freedoms* (Westport, CT: Greenwood Press, 1987). A history of freedom of the press from 4000 BC to the late 1980s.

Irons, Peter, ed., *The Courage of Their Convictions: Sixteen Americans Who Fought Their Way to the Supreme Court* (New York: The Free Press, 1988). Case studies of people who took Bill of Rights issues to the Supreme Court.

Levy, Leonard W., *The Establishment Clause: Religion and the First Amendment* (New York: Macmillan 1986). An historical analysis of issues related to the establishment clause.

Appendix:
Social Science Concepts in the Primary Materials

The social studies curriculum in the first three grades of elementary schools typically deals with study of the family and the school in first grade, the neighborhood in second, and the community in third. The lessons in this book follow this expanding horizons approach but also correlate with selected concepts from seven social sciences.

Geography: The concept selected from geography is personal space. The manner in which Americans express themselves differs from other cultures, and customs and laws protect and limit that expression.

Economics: The concept of services and how people use them in a community is an appropriate fit for primary grade students studying their environment. In addition, the notion of interdependence can be illustrated through activities that develop the idea of responsibilities of citizens who live together in a community.

Sociology: In sociology, the norms of behavior are studied, making this a logical discipline to examine the norms of expression in society. The First Amendment protects various modes of expression.

Anthropology: In anthropology—the study of human beings—the rituals of expression are explored to understand how everyday behavior relates to concepts underlying the First Amendment. Rituals are frequently transmitted through myth and story, making literature an appropriate vehicle for classroom activities.

Political Science: The concept of authority is basic to this discipline. To understand rights guaranteed by the U.S. Constitution, one must know how power is either retained or given over to officials by the people. The citizen's role and behavior both regulate and are regulated by authority. Citizens give up some power and authority over personal choice to live together in a constitutional democracy.

History: History enables the student to understand development and change, to realize that effects have more than one cause and that events are related. The inclusion of the Bill of Rights in the U.S. Constitution was and continues to be a very significant part of our history. The debates and disagreement concerning the Bill of Rights are as timely today as they were in the past.

Psychology: In this discipline, the aspect most appropriate for related study is social psychology, the study of how personality is shaped by and also shapes the social environment. This enables the student to begin to realize that there are several aspects that create an individual's identity. In addition to the physical self, the psychological self, and the ideal self, the social self is defined in interactions with others. Expression is received and interpreted by others. An understanding of how one's expression influences others and is understood or misunderstood is an important cornerstone to acting with responsibility and concern for the human environment in which each citizen lives.

EDUCATION FOR FREEDOM

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EDUCATION FOR FREEDOM

LESSONS ON THE FIRST AMENDMENT FOR INTERMEDIATE GRADE STUDENTS

BY LAUREL R. SINGLETON
WITH ARLENE F. GALLAGHER

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The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The Education for Freedom Project

The First Amendment Congress is a coalition of communications organizations created in 1979. It was established by 12 media associations concerned about the preservation of First Amendment rights; membership has grown since 1979 to include four additional voting members and numerous associate members.

The First Amendment declares: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." These freedoms assure Americans a government that is responsible to its citizens and responsive to their wishes. These freedoms are the basic rights of all citizens; if they are to be preserved, the vigilance and support of all citizens is required.

As part of its commitment to making all Americans aware of the importance of their First Amendment freedoms, the First Amendment Congress has undertaken the Education for Freedom Project. The goal of this project is to develop and disseminate curriculum materials for teaching about the First Amendment at all levels. This package of materials for intermediate-level students represents one part of the Education for Freedom Project's efforts. Similar packages have also been developed for primary, middle/junior high, and high school students.

While elementary teachers may initially feel that concepts related to the First Amendment would be better introduced at later grades, research indicates that learning at all levels—early childhood, late childhood and early adolescence, and late adolescence and adulthood—contributes to giving individuals the values, knowledge, and skills needed for citizenship in a democratic society. As Parker and Jarolimek have pointed out, "The emergence of citizens who are informed, skilled participants in democratic processes, and who are guided in their participation by a disciplined commitment to democratic values does not just happen as a result of ordinary living...political learning occurring in early childhood establishes the basic orientations of a person's political identity and the later political learning of adolescence and adulthood adds knowledge and skills. A foundation is laid in the early years on which a structure is later built."[1]

The project materials will address three critical goals or outcomes:

1. Students will understand the history and meaning of the First Amendment and its importance in today's society.

2. Students will understand that the First Amendment belongs to each individual, not to any one segment of society or institution.

3. Students will understand the importance of protecting their First Amendment freedoms through exercising their rights and responsibilities as citizens in our democracy.

Lessons throughout the materials are keyed to these project outcomes.

Major funding for this project was provided by the Knight Foundation. Additional contributions were provided by: The Hearst Corporation, Samuel I. Newhouse Foundation, Inc., Scripps Howard, Star Tribune/Cowles Media Company, and The Times Mirror Foundation.

[1]Walter Parker and John Jarolimek, *Citizenship and the Critical Role of the Social Studies* (Boulder, CO: Social Science Education Consortium and Washington, DC: National Council for the Social Studies, 1984), pp. 23, 26.

Background on the First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

These 45 words—the First Amendment to the U.S. Constitution—embody some of our most important ideas about the meaning of liberty. Isidore Starr, a nationally recognized leader in the fields of law-related and citizenship education, has described the importance of the First Amendment as follows: "Remove the First Amendment from the United States Constitution and you strike out the very means of testing the other rights and of protesting abuses of government."[2]

The First Amendment includes six clauses that cover five basic areas: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the right to petition the government for redress of grievances. It may be helpful to briefly define each of these rights.

Freedom of Religion

Two clauses in the First Amendment deal with freedom of religion, and both have given rise to many court cases and controversies. The first, called the "establishment clause," is the provision that "Congress shall make no law respecting an establishment of religion." This clause is the basis for our doctrine of separation of church and state. Many of the controversies surrounding this clause have involved education; for example, can tax money be used to support religious schools? Can schools allow time for prayer or meditation during the school day? Can prayers be said at graduation?

The second clause related to religion is called the "free exercise clause." It protects the individual's right to believe as he/she wishes (or not to believe). The free exercise clause has been especially important in protecting the rights of religious minorities, whose practices might otherwise be suppressed by the majority. For example, Moslems, Buddhists, members of the Unification Church, Jehovah's Witnesses, the Amish, the Mormons, Bahais, and Seventh Day Adventists have used the First Amendment guarantee to protect their rights. Members of religious groups more numerous in the United States, such as Protestants, Catholics, and Jews, have also used the free exercise clause, as have people who do not hold religious beliefs.

At times, the two clauses related to religious freedom have been in conflict. For example, in 1983 the Supreme Court heard a case involving use of state funds to hire a chaplain to offer a prayer at the opening of state legislative sessions. While some people challenged the use of state funds as a violation of the establishment clause, others argued that the prayer represented an exercise of the legislators' free exercise rights.

Freedom of Speech

Freedom of speech is regarded by many as the cornerstone of a democratic system. It allows the free exchange of ideas necessary to effective decision making and protects the minority from complete domination by the majority. Some symbolic speech—actions taken to convey a message—are also protected. The 1989 Supreme Court decision on burning the American flag is an example of protecting such symbolic speech, as is the famous Tinker case, which involved high school students' wearing black armbands to protest the war in Vietnam.

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[2]Isidore Starr, *The Idea of Liberty: First Amendment Freedoms* (St. Paul, MN: West Publishing, 1978), p. 5.

Freedom of speech is not without limits, however. Speech that incites someone to commit a crime, for example, is not protected by the First Amendment. Some issues that have arisen around the freedom of speech include the conflict between free speech and public safety, the extent to which freedom of speech is protected in schools—both for teachers and students—and to what extent obscene or pornographic speech is protected.

Freedom of the Press

Thomas Jefferson emphasized the importance of this freedom when he said "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I would prefer the latter." Freedom of the press is yet another cornerstone of American democracy. Like freedom of speech, freedom of the press allows divergent viewpoints to be heard. It is designed to protect the public's "watchdog," charged with monitoring government activities and discouraging government from operating in secrecy and from controlling the information citizens receive.

Issues related to freedom of the press are similar to those surrounding freedom of speech—issues related to individual privacy, libel, "fighting words," product advertising, obscenity, and endangering national security. In recent years the conflict between the press's rights and the right of the accused to a fair trial has been confronted in a number of cases. The rights of high school student journalists have also been weakened.

Freedom of Assembly

The right "peaceably to assemble" is bound up with freedom of speech; the right to say what one wishes to an empty auditorium lacks a key ingredient—the audience. The right to hear a speaker is a key ingredient of the First Amendment. Freedom of assembly is also related to freedom of petition. A large group marching down a street with signs espousing their cause may carry a more forceful message than one person's letter to a public official. However, the possibility of conflict arising when groups confront one another has led to some limitations on the right to assembly. For example, cities may require permits for parades or certain kinds of public meetings. This allows the city to take such precautions as providing police protection.

Over the course of U.S. history, the freedom of assembly (along with Amendments V, IX, and XIV), has been used to protect Americans' right to form or join any association or organization they desire. This "right of association" has also been the center of many court cases, including many involving membership in the Communist Party and the NAACP. Cases involving a school district or university that requires teachers to reveal what organizations they belong to have also generated controversy; such requirements have been found to be unconstitutional.

Right to Petition

The right to petition can be traced back to the Magna Carta, signed in 1215. Petitions also played a key role in the efforts of the American colonists to gain a response from the British king and Parliament. Today, the right to petition takes many forms—the traditional written document to which names are signed, lobbying government officials, and conducting various kinds of mass demonstrations. Civil suits in courts are a form of petition. Issues related to the right to petition have primarily arisen when government officials perceived that the exercise of this right threatened public safety.

History of the First Amendment

The First Amendment—indeed the entire Bill of Rights—was not included in the Constitution when it was written in 1787. However, the issue of a listing of rights that could not be infringed upon by the new, stronger national government became a key in the ratification debates. Those supporting the Constitution argued that many state constitutions already protected individual rights and that failure to list the rights did not mean that they did not exist as natural rights, beyond governmental authority.

Opponents, called Anti-Federalists, disagreed. Remembering their experience as British colonies, the Anti-Federalists feared that the stronger national government would abuse individual rights.

To win ratification in Virginia (although the required nine states had already ratified the Constitution, ratification by Virginia and New York was considered critical to the success of the new government), James Madison pledged his support for adding a Bill of Rights through the amendment process. He was true to his word, introducing a proposal for a 17-amendment Bill of Rights in 1789, within two months of the opening of the first Congress. The 10-amendment Bill of Rights was passed by Congress, ratified by 11 states, and went into effect in December 1791.

When the Bill of Rights—and indeed the larger Constitution—was adopted, it applied only to white propertied males. Furthermore, it only protected people from actions by the federal government; state governments could—and did—restrict freedom of expression and religion, as well as other rights. While the rights of African-American males were protected in the Fourteenth and Fifteenth Amendments, passed following the Civil War, in practice those rights took many more years to achieve. The rights of women have also expanded slowly with time, as have those of Native Americans.

It was not until 1925 that the Supreme Court began to apply the First Amendment to the states. This was done through a process called incorporation. The First Amendment rights were "incorporated" into the Fourteenth Amendment's guarantee of due process: "nor shall any state deprive any person of...liberty...without due process of law." Equal protection of the law was also provided by the Fourteenth Amendment.

The groups and individuals who have been afforded the protection of the First Amendment have changed over time, as have the definitions and limits the courts have given the various rights. Today, as the First Amendment enters its third century, its history is still being written.

The First Amendment at School

The Supreme Court has consistently held that young people, while at school, do have the protection of the First Amendment. However, the school is regarded as a special setting, in which the public has charged school officials with maintaining a safe environment conducive to learning. Several recent cases have signalled the Court's willingness to allow school administrators to limit students' rights in order to preserve such an environment.

One case, *New Jersey v. T.L.O.*, dealt with Fourth Amendment rights. In that case, the Court ruled that "strict adherence to the requirement that searches be based on probable cause" is "unsuited to the school environment." The Court instead proposed a test of "reasonableness," which has been applied in subsequent First Amendment cases as well.

A second case, *Bethel School District No. 403 v. Fraser*, involved a student who made a nominating speech filled with sexual references. The student was disciplined. In this case, the Court held that sexual language could be defined as disruptive behavior in school, although it might be protected in other settings. The Court said school officials do have a responsibility to teach students "the boundaries of socially appropriate behavior."

A third relevant case is *Hazelwood School District v. Kuhlmeier*. In this case, the Court said that administrators may exercise "editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

In a 1990 case, *Board of Education of Westside Community Schools v. Mergens*, the Court ruled that if high schools allow clubs not related to the curriculum, they could not discriminate against clubs with a religious orientation. The Court's ruling said "There is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect."

Introduction to the Intermediate Materials

This unit for intermediate-grade teachers is intended to help them develop students' awareness of the rights identified in the First Amendment of the U.S. Constitution. Eight major objectives form the framework for developing students' awareness of the First Amendment. Each objective serves as the basis for one lesson. The objectives are:

- Students will recognize that the First Amendment is one of the first ten amendments to the Constitution, the document underlying our political system.
- Students will be able to identify examples of freedom of speech, religion, the press, assembly, and petition.
- Students will understand the importance of First Amendment rights, to the individual and the society.
- Students will describe consequences of using First Amendment rights and will be able to discuss some possible limits to First Amendment rights.
- Students will formulate a position on a free speech case.
- Students will know how and why the Bill of Rights was added to the Constitution.
- Students will understand that First Amendment rights have changed over time as a result of court decisions.
- Students will know that the Bill of Rights, including the First Amendment, has been used as a model by other nations.

The lessons in the unit not only relate directly to students' experiences but also to the elementary curriculum in general and the social studies curriculum in particular. Although history is emphasized because of the introduction of the study of U.S. history at this level, concepts from geography, economics, political science, sociology, anthropology, and psychology are also reflected (see the appendix for more details). Furthermore, the lessons also develop skills in the four language arts: reading, speaking, writing, and listening.

Teachers who are concerned about the role of reading in the school day will especially appreciate the selection of children's literature correlated with the lessons. The recommended books can be used in a variety of ways: to introduce lessons, to enrich what students learn in the lessons, or in a "First Amendment Learning Center." Related media materials, such as filmstrips and videos, are listed in the bibliography, along with other resource materials.

Because the developers of these materials recognize that time is a precious resource, the key ideas for students in the intermediate grades are presented in the first four lessons. The remaining lessons expand upon those ideas, with a special emphasis on the history of the First Amendment. Teachers who wish to extend learning beyond that provided for in the lessons can use the list of suggested projects that follows Lesson 8. **Note that it is not necessary for a teacher to use all the lessons in order for students to benefit.**

All the lessons use a participatory approach that encourages students to discuss, role play, conduct surveys, create projects, and in other ways become engaged in their learning. Although questions for discussion are suggested, teachers are encouraged to develop their own questions to better key the discussion to their students' abilities. Teachers should also feel free to modify or adapt the lessons in whatever way seems appropriate for their communities. Several letters to parents are included with the lesson plans. The matrix on the following page provides an overview of the lessons, including the time and materials required to use them.

Matrix of Activities

Lesson	Focus	Related Outcome*	Materials Needed	Time Required	Related Literature
1. The Case of the Unconstitutional Homework	Constitution, Bill of Rights	1	Handouts 1 and 2, Letter 1	1-2 class periods	*We the People*
2. The First Amendment in the News	First Amendment rights	1, 2	Supply of newspapers, Handouts 3 and 4 (optional)	1-2 class periods	*Deadline! From News to Newspaper; How a Book Is Made*
3. Life Without the First Amendment	Importance of rights	1, 2	Handout 5, art materials	2 class periods	*The Season of Secret Wishes*
4. Limits to First Amendment Rights	Limits on rights	1, 3	Case Study Cards, Handout 6	1-2 class periods	*The Ninth Issue*
5. Is Flag Burning Protected Speech?	Symbolic speech, limits	1, 3	Handouts 7 and 8, Information Sheets, Letter 2	3-4 class periods	*Flag; American Heroes: In and Out of School*
6. Was a Bill of Rights Necessary?	History	1	Game boards and cards, markers, coins	1 class period	*The Great Little Madison; The Bill of Rights: How We Got It and What It Means*
7. How Has the First Amendment Changed?	History	2	Letter 3, copies of the Constitution	1 class period	*The Supreme Court; The Girl on the Outside*
8. Liberties Around the World	History, rights internationally	3	World map	1-2 class periods	*Aesop's Fables; A Children's Chorus*

*1. Students will understand the history and meaning of the First Amendment and its importance in today's society.
2. Students will understand that the First Amendment belongs to each individual, not to any one segment of society or institution.
3. Students will understand the importance of protecting their First Amendment freedoms through exercising their rights and responsibilities as citizens in our democracy.

1 The Case of the Unconstitutional Homework

Introduction:

This lesson introduces two important ideas about the First Amendment—that it protects rights and that it was part of a set of amendments added to the Constitution soon after its ratification. Students read a story, suggest solutions to the dilemma presented in the story, learn how the Bill of Rights was added to the U.S. Constitution, and brainstorm rights they would want to have protected. The lesson concludes with a comparison of students' lists and the Bill of Rights. If time permits, Lesson 6 could be used after this lesson is taught.

Objectives: At the conclusion of this lesson, students will be able to:

- Suggest solutions to a dilemma described in a story.
- Describe how the Bill of Rights was added to the U.S. Constitution.
- Define *rights*.

Skills: Students will practice the following skills:

- Problem solving
- Brainstorming
- Comparing/contrasting

Time Required: 1-2 class periods.

Materials and Preparation: You will need copies of Handouts 1 and 2. You may want to send Letter 1 home to parents before beginning the unit.

Procedure:

1. Ask students if they have ever heard such statements as "I know my rights" or "Read them their rights." What is meant by the term *rights* in these statements? Help students develop a definition for the term *right*; a dictionary definition, which you can use as a reference, is: "something to which one has a just claim; the power or privilege to which one is justly entitled."

2. Distribute Handout 1 and allow time for students to read the story. Ask a student volunteer to describe the problem faced by the class in the story; other students should be allowed to add to or clarify the problem description. You may need to ask a follow-up question to get students to recognize that not having a procedure for changing the class constitution complicated the problem.

3. Divide the class into groups of four and have each group imagine that it is the "Executive Committee" charged with coming up with a solution to the class's problem. Allow about 15 minutes for the small-group discussions.

4. Ask each group to describe briefly its proposed solution. Write the solutions on the chalkboard. When all the solutions have been posted, conduct a discussion of which solutions addressed the problem of rights best and which addressed the problem of not having a method for amending the constitution best.

5. Tell students that when the U.S. Constitution was proposed, many people were worried because it did not contain a bill of rights—a list of freedoms that the new, stronger national government could not take away from people. However, the framers, or writers, of the Constitution had built in a way to change or amend the Constitution. To get the Constitution approved, leaders like James Madison promised that they would add a bill of rights to the Constitution as soon as the new Congress went to work. And that is exactly what they did. The first ten amendments to the Constitution, called the Bill of Rights, list a number of freedoms that cannot be taken away by the government.

6. Lead the class in a brainstorming session in which they generate a list of rights that they believe Americans should have. If your class is not familiar with the brainstorming technique, you may need to introduce these rules of brainstorming. (**Note:** It is important that the teacher also observe the rules and not edit as she/he posts ideas on the chalkboard.)

RULES OF BRAINSTORMING

1. Say anything that comes to mind.
2. Piggybacking on the ideas of others is good.
3. Don't evaluate or criticize what others say.
4. When you can't think of anything else, wait a minute and try again.

7. If time permits, you may want to have students individually rank the rights in the class list. The rankings can then be tallied to determine the class's "Top Ten Rights." You may want to point out that the state of Virginia alone suggested 40 changes to the Constitution during the ratification debates; many of these changes involved rights to be protected. James Madison, who proposed the Bill of Rights to the First Congress, believed that it would be harder to get a very long list adopted than a list of reasonable length. The Congress packed many rights into the ten amendments that were finally approved.

8. Distribute Handout 2 and read it aloud with the class. As rights are read from the handout, have a student volunteer check off those that also appear in the student list. What rights were included in the Bill of Rights but not on students' lists? What did students feel was important that is not included in the Bill of Rights? How might the Bill of Rights be different if it were passed today?

9. Conclude the lesson by telling students that they are going to be focusing on the First Amendment, which protects our freedom of religion and expression.

Enrichment/Extension:

Encourage students to draft a class constitution or bill of rights. As they are working, provide input on why certain provisions may not be feasible within the school setting (i.e., the school has a mission it must accomplish, adults are charged with responsibility for protecting young people and thus sometimes limit their rights). If possible, arrange for students to word process their documents.

Related Children's Literature:

Spier, Peter, *We the People: The Constitution of the United States* (New York: Doubleday, 1987).

Multiple illustrations accompany each phrase of the Preamble to the U.S. Constitution. For example, 16 scenes portray the meaning of "insure domestic tranquillity," 40 depict "promote the general welfare," and 45 symbolize "secure the Blessings of Liberty." Many illustrate the connection between the Bill of Rights and the purposes of our government as described in the Preamble. Because the illustrations are rather small, the book might best be used in a learning center. Encourage students who examine the book to create illustrations of their own for display with the book.

The Case of the Unconstitutional Homework

Things were just not going as planned. Every year, fifth-graders at Lincoln Elementary hoped to get into Ms. Clark's class. Ms. Clark was famous for letting the class set its own rules. Many of this year's fifth-graders had heard from their older sisters and brothers or from friends how great this always worked.

But this year things were different. Oh, sure, Ms. Clark's class had spent three days at the beginning of the year writing a class constitution. It had been a lot of fun. They had even given their constitution a name—The Clark Class Classy Constitution. They had elected the "Executive Committee" that the constitution called for. The committee had two boys and two girls who could make decisions about class problems.

Now it was November and there was a BIG problem. At first it started with homework every night. Then it was homework every night and on weekends. Gradually, there was more and more homework. Now some kids could barely finish their work, even if they started right after school and worked until bedtime. TV? Playing with friends? Riding bikes? Video games? Forget it! No one had time for anything but homework.

A few kids had tried not doing their homework, but the punishment was terrible. Anyone not doing their homework was not allowed to talk in class the next day.

Jarrod had checked the constitution to see if it could help them with this problem, but they hadn't mentioned homework or talking. They also hadn't said anything about making changes in the constitution once they voted on it. Now it seemed like they had made a BIG MISTAKE!

The rest of the class was starting to demand that the Executive Committee take action. Finally, Skye, Jennifer, A.T., and Vince decided to meet in the corner of the playground during lunch on Tuesday. They had to decide what to do before Ms. Clark got completely out of control.

The Bill of Rights

Amendment I

- Freedom of religion
- Freedom of speech
- Freedom of petition
- Freedom of the press
- Freedom of assembly

Amendment II

- Right to keep and bear arms (weapons)

Amendment III

- Right not to be forced to allow soldiers to stay in one's home in time of peace or in time of war unless procedures described by law are followed

Amendment IV

- Freedom from unreasonable searches and seizures of self and belongings

Amendment V

- Right to due process of law when accused of a crime; freedom from being tried for the same crime twice and being forced to testify against oneself

Amendment VI

- Right to a speedy, public, and fair trial, including a lawyer

Amendment VII

- Right to a trial by jury in civil cases with a claim of more than $20

Amendment VIII

- Right to fair bail; no excessive fines or cruel and unusual punishment

Amendment IX

- The listing of rights in the amendments or elsewhere in the Constitution would not mean these were the only rights people have

Amendment X

- Powers not given to the United States by the Constitution or not prohibited from the states would stay with the states or the people

Dear Parents,

This week we are starting a unit on the First Amendment. You may therefore be hearing from your child about the rights the First Amendment protects: freedom of religion, freedom of speech, freedom of the press, the right to assemble, and the right of petition.

As we continue with the unit, we may be doing some activities that you will be able to help your child complete. I will send you more information at that time.

I think students will enjoy studying this very important topic.

Sincerely,

2 The First Amendment in the News

Introduction:

This lesson directs students' attention to the freedoms guaranteed by the First Amendment. Through a worksheet and newspaper scavenger hunt, the lesson provides practice identifying the rights in everyday situations. Students then develop simulated news programs focused on First Amendment freedoms.

Objectives: At the conclusion of this lesson, students will be able to:

- List the freedoms protected by the First Amendment.
- Define the following: freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and freedom to petition the government for redress.
- Identify examples of the First Amendment rights in everyday situations.

Skills: Students will practice the following skills:

- Listening
- Classifying
- Reading
- Speaking/Writing

Time Required: 1-2 class periods

Materials and Preparation: Write the words of the First Amendment (see p. iv) on the chalkboard. You will need a supply of newspapers for student use in the scavenger hunt, as well as copies of Handouts 3 and 4 (optional). You may wish to prescreen the newspapers to ensure that they contain items pertaining to the First Amendment. If possible, arrange to have a video camera and playback equipment available.

Procedure:

1. Draw students' attention to the words of the First Amendment and tell the class that today they will begin focusing on the First Amendment to the Constitution. Review with students the five rights protected by the First Amendment: freedom of religion, freedom of the press, freedom of speech, freedom of assembly, and freedom to petition the government to correct unjust actions.

2. Help students develop simple definitions of each right. Samples are provided below:

- *freedom of religion:* the right to believe (or not believe) whatever you wish and the right to act on your beliefs without government interference; separation of religion from government.
- *freedom of speech:* the right to express your views and to hear others' views.
- *freedom of the press:* the right to write and publish information and opinions, including criticism of public officials; the right to read, hear, or watch such information.

- *freedom of assembly:* the right to meet peacefully in groups and to freely associate.
- *freedom of petition:* the right to ask the government to correct an unjust action or change its policy.

3. Ask students which of the rights belong to individuals and which belong to groups. Point out that while particular groups (religious, political, press, etc.) benefit from the First Amendment freedoms, the rights belong to each individual in our society. For example, every individual has a right to write and publish information, as well as gaining by having access to information published by others in books, magazines, newspapers, and on radio and television.

4. If you want to provide some initial additional practice identifying examples of the First Amendment rights, distribute Handout 3 and allow time for students to complete it. **Answer key: 1.** press; **2.** speech; **3.** assembly; **4.** speech; **5.** religion; **6.** religion; **7.** petition; **8.** press.

5. Divide the class into groups of five students and give each group a supply of newspapers. Each group should try to find at least one example of each First Amendment right in the newspaper. The items should be clipped and pasted or taped onto sheets of paper. If you think students will have difficulty with this task, you may want to provide a key telling them on which page to look for a story on a particular right.

6. Conduct a brief class discussion of the items groups found. Assign each group to prepare a five-minute news broadcast focusing on First Amendment rights. The broadcasts should cover actual events or issues that represent the First Amendment freedoms. Encourage students to be creative, staging "person on the street" interviews and other simulated news features. You may want to allow several days to a week for preparation. Be sure to allow class time for presentation of the broadcasts, which could be videotaped or presented "live." You might schedule one presentation each day for a week in order to keep interest high. Students can use Handout 4 to evaluate each others' presentations and practice identifying rights.

Enrichment/Extension:

Have each student keep a "First Amendment Diary" in which they keep track of instances involving First Amendment rights in their own lives. Some groups may wish to provide regular broadcasts on "The First Amendment in the News."

Students might ask a sampling of adults in your community if they can list the rights protected by the First Amendment. If students find that most adults cannot identify the rights, they might write a letter to the editor of the local newspaper describing the problem and presenting a modern language version of the First Amendment developed by the class.

Related Children's Literature:

Gibbons, Gail, *Deadline! From News to Newspaper* (New York: Crowell, 1987).

The colorful illustrations help to transmit information about gathering, writing, and printing a daily newspaper. This book answers questions about how the morning's news becomes a story in the afternoon newspaper and how reporters, photographers, and editors work together to meet deadlines.

Aliki, *How a Book Is Made* (New York: Thomas Y. Crowell, 1986).

Using cartoon-style drawings, this book shows in great detail how a book goes from an idea in an author's head to a published work on a child's bookshelf. Combined with the book above, this title could be the basis for creating a detailed list of people whose work depends on freedom of the press. The two books might also be used to encourage interested students to undertake development of a class newspaper or publishing company.

First Amendment Rights in Everyday Life

Each story below deals with a First Amendment right in everyday life. Read each story. In the blank in front of the story, write which of these rights it is an example of:

religion

speech

press

assembly

petition

_____ 1. Yolanda Highsmith operated a newspaper for the African-American community in a large city. In her newspaper, she often criticized the mayor and city council.

_____ 2. Rick Jackson stood in front of an oil company's offices. He held a sign that said "Don't buy oil from polluters."

_____ 3. Twenty-two high school students met in the park across the street from the school to protest the firing of the basketball coach.

_____ 4. Roland and Marybeth wore black armbands to school to show their support for political prisoners in South Africa.

_____ 5. Mr. and Mrs. Stuart taught their three children at home because their church does not approve of public education.

_____ 6. Jack and Maria refused to bow their heads during the prayer that began a session of the state legislature.

_____ 7. Li Chen went from door to door, asking people to write letters to the president protesting his policies on the homeless.

_____ 8. Kendall and Roxie printed and handed out flyers describing unfair hiring by a local business.

First Amendment News Broadcast Rating Form

Fill in the issues related to each First Amendment right covered in each news broadcast. Then give the broadcast a rating.

	Group 1	Group 2	Group 3	Group 4	Group 5
Freedom of Religion					
Freedom of Speech					
Freedom of the Press					
Freedom of Assembly					
Freedom of Petition					
Rating: 1 = poor 2 = fair 3 = average 4 = very good 5 = excellent					

3 Life Without the First Amendment

Introduction:

This lesson opens with a review of the rights protected by the First Amendment; a mnemonic device is provided for presentation to students, if desired by the teacher. Students then focus on the importance of the First Amendment rights, both to the individual and the society. They read and discuss a futuristic scenario on life without the Bill of Rights. They then make posters illustrating the importance of First Amendment rights.

Objectives: At the conclusion of this lesson, students will be able to:

- Give a reason why First Amendment rights are important to the individual.
- Give a reason why First Amendment rights are important to a democratic society.

Skills: Students will practice the following skills:

- Working in groups
- Discussing
- Creating visuals

Time Required: 2 class periods

Materials and Preparation: You will need copies of Handout 5, as well as art materials for student use in making posters. If you want to introduce the mnemonic device for remembering the First Amendment rights, you will need to write the following on the chalkboard before class begins:

- G stands for grievance.
- R stands for religion.
- A stands for assembly.
- S stands for speech.
- P stands for press.

Procedure:

1. Review with students the rights protected in the First Amendment. If you think it would be helpful to your students, present the mnemonic device described above, explaining that remembering the word *grasp* can help students remember the First Amendment freedoms. Go over the letters one by one, describing how they relate to the First Amendment freedoms.

2. Tell students that today's lesson will focus on the importance of the First Amendment freedoms. In looking at the importance of these freedoms, it may be helpful to create some categories of rights. Explain that people often categorize the First Amendment freedoms into freedom of religion and freedom of expression. Provide a simple definition of *expression* (to state or convey one's ideas,

feelings, or opinions) and ask students to indicate which First Amendment freedoms fall into this category (speech, press, assembly, petition).

3. Divide the class into five groups and distribute Handout 5. Tell the groups that their job is to read the story and identify all the problems that arose because First Amendment freedoms were not protected. Allow 10 to 15 minutes for this activity.

4. Ask each group to describe one problem that arose in the scenario because of the lack of First Amendment rights. As each problem is mentioned, help students relate it to a more general reason for the importance of the First Amendment rights, as indicated below:

Problem	**Importance of Amendment**
Jackie feels frustrated; she feels no one cares about her ideas and thoughts.	Freedom of expression helps individuals feel worthwhile; it also helps them develop their thinking.
Jackie does not know which candidate to vote for because the state-run newspaper does not provide information and individuals cannot print information.	Freedom of expression helps citizens make good decisions, thereby improving our democratic government.
Jackie's friends were jailed because they sent a letter to the government criticizing the way schools were run; Jackie was afraid violence would result.	Freedom of expression allows changes in the the government to occur peacefully.
The secret meeting to discuss ideas for improving the schools had to be cancelled.	Freedom of expression allows ideas to be shared and made better through input from others.
Jackie cheats on evening prayers but also feels angry that she has to do so.	Freedom of religion contributes to a strong commitment to doing right; because religious beliefs are a very individual concern, if the government interferes with religion, it may interfere with virtually any aspect of human life.

5. In their groups, ask students to create posters or murals illustrating the importance of the First Amendment rights. Each group can be assigned one right, or the groups can each cover all of the rights. If the latter approach is taken, you may want to have one student within each group responsible for illustrating a particular right. Suggest that students start their posters by putting pictures of several individuals in the center, thereby illustrating that First Amendment freedoms belong to every individual. Make arrangements for the posters to be displayed in the school where other classes can see them.

Enrichment/Extension:

Encourage students to write their own scenarios describing life without the First Amendment. Some groups may want to prepare news broadcasts as they imagine such broadcasts would occur in a society without First Amendment rights.

Related Children's Literature:

Procházková, Iva, *The Season of Secret Wishes* (New York: Lathrop, 1989).

This children's novel tells the story of a young girl living in a repressive society. Fear, secrecy, and camaraderie are among the emotions she experiences.

Life Without the First Amendment

Jackie sighed as she collapsed onto her bed. It had been a tough day, and she was worn out. But she was angry, too. The workers at her office were treated like robots, expected to do their jobs without complaining or suggesting new ideas. Sometimes Jackie had really great ideas that she wanted to share. She knew if she could talk about her ideas, other people could help her to make them better.

She was also angry about the election for Premier tomorrow. She had read every page of the government newspaper and could not find any information about the candidates. For all she knew, the same person was running under two different names. If there were other papers, she could make a good decision about who to vote for. But only the government newspaper was allowed. One of Jackie's neighbors had written a letter about the election but had not been allowed to copy it anywhere. Jackie didn't feel like voting, but it was required.

Going against the requirements could be dangerous. Today, two of Jackie's friends had been arrested. They had written a letter to the Local Council complaining about how the schools were being run. Now they were in jail, and Jackie was afraid other parents might turn to violence.

Jackie was against violence and had planned to argue against it at the secret parents meeting that night. The meeting had been cancelled after the arrests. Now Jackie was afraid that some parents would decide to take action before they had had a chance to discuss all the options.

Oh well, worrying wasn't doing her any good. Jackie said half of the required evening prayers to the Great One and then went to bed. She almost always cheated on the prayers. If she could not decide for herself when to pray, she couldn't feel very strongly about the prayers. It was just another example of things that made her feel bad. And feeling bad was tiring, she told herself as she fell asleep.

4 Limits to First Amendment Rights

Introduction:

While Lesson 3 looked at the benefits of using First Amendment rights, this lesson focuses on possible negative consequences. Students learn that because of these possible consequences, some limitations have been placed on rights. They examine whether such limitations are appropriate in a series of case studies based on actual court cases.

Objectives: At the conclusion of this lesson, students will be able to:

- Identify consequences of exercising First Amendment rights.
- Suggest possible limitations to First Amendment rights.

Skills: Students will practice the following skills:

- Case study analysis
- Small-group decision making

Time Required: 1-2 class periods

Materials and Preparation: Make copies of the Case Study Cards and Handout 6.

Procedure:

1. Review the benefits of having First Amendment rights. Point out that benefits are good things that happen because of something else; benefits might also be called positive consequences.

2. Ask students if they can think of any negative, or bad, consequences that could result from using First Amendment rights. If they have difficulty, suggest the old classic—someone shouting "Fire!" in a crowded theater when it is not on fire. What would the negative consequences be? Are they so serious that freedom of speech should be limited in this case? Why or why not?

3. Tell students that possible negative consequences have caused courts to place some limits on First Amendment rights. For example, speech that aims to get someone to commit a crime or act of violence has not been protected by the First Amendment. Today, students will analyze some examples of cases in which limits may be needed.

4. Divide the class into five groups and give each group one of the case study cards and a copy of Handout 6. Groups are to read their case study and answer the questions on the handout. In answering question 4, they should try to arrive at a limitation to which everyone in the group will agree.

5. Reconvene the class and have groups share their work. If time permits, allow groups to comment on each others' work. For your convenience, information on each case is provided below:

- **Case 1** (*Frisby v. Schultz*; 1988) involves freedom of speech and assembly. The conflict was between the rights of the picketers to express themselves and the right of the doctor for security in his home. The Court recognized that a balance was necessary, but found that the picketers were targeting their actions against one person rather than trying to take a mes-

sage to the public. Thus, the city could restrict such speech. The dissenting justices thought the ordinance was too vague and that the majority of the Court based its decision not on the ordinance but on the city's argument that it would enforce the ordinance only in extreme cases of intrusion on the rights of others.

- **Case 2** (*Tinker v. Des Moines Independent School District*; 1969) involved freedom of speech. In this case, the Supreme Court held by a 5-4 margin that the wearing of armbands was a form of speech and that it did not interfere with the educational process or the rights of other students. Writing for the majority, Justice Fortas said, "where there is no finding and no showing that engaging in the forbidden conduct would 'materially and substantially interfere with the requirements of appropriate discipline in the operation of the school,' the prohibition cannot be sustained." Justice Black, in a dissent, made a plea for renewed discipline in the schools.

- **Case 3** (*Nebraska Press Association v. Stuart*; 1976) involved freedom of the press. The Supreme Court held that "gag orders" could only be issued when all other ways of assuring a fair trial (moving the trial to another location, postponing the trial, and so on) had been tried; some of the justices opposed gag orders under any circumstances. In the ruling opinion, Chief Justice Burger indicated that this question was particularly difficult because the "authors of the Bill of Rights did not undertake to assign priorities as between the First Amendment and Sixth Amendment rights, ranking one as superior to the other."

- **Case 4** (*Adderly v. Florida*; 1966) involved freedom of assembly, speech, and petition. The Supreme Court held that these rights could be limited in this case because the jail was not normally open to the public. Justice Black said "nothing in the constitution of the United States prevents Florida from even-handed enforcement of its general trespass statute against those refusing to obey the sheriff's order to remove themselves from what amounted to the curtilage of the jailhouse." The dissent, by Justice Douglas, disagreed: "The jailhouse, like an executive mansion, a legislative chamber, a courthouse, or the statehouse itself is one of the seats of governments...And when it houses political prisoners or those who many think are unjustly held, it is an obvious center for protest."

- **Case 5** (*Wisconsin v. Yoder*; 1972) involved freedom of religion. The Supreme Court ruled that the Amish family could not be compelled to send their child to two final years of secondary school in violation of their religious beliefs. Six justices concurred in the opinion. Justice Douglas dissented in part, making a plea for the child's right to determine his/her own destiny. Two justices did not take part in the decision.

6. Help students understand that limits are placed on First Amendment freedoms when their use results in a conflict with another value in our culture, such as safety and health. People who take cases like the ones students analyzed to court are working to preserve First Amendment freedoms.

Enrichment/Extension:

Ask each student to write a paragraph describing a personal experience (or one from a book or television program) in which First Amendment rights conflicted with another value or right. How was the situation resolved? How would the student have resolved it?

Related Children's Literature:

Malmgren, Dallin, *The Ninth Issue* (New York: Dell, 1989).

This book focuses on freedom of the press in schools, an issue that has generated controversy recently. Constitutional concerns are presented via the story of a journalism class and its teacher.

CASE 1

In the small town of Brookfield, Wisconsin, a number of people were picketing the home of a doctor. The picketers disapproved of the doctor because he performed abortions. Anywhere from 10 to 40 people would picket the house for one or two hours. They carried signs and shouted at the doctor and at people who passed his house. The government of Brookfield then passed an ordinance saying that picketing was illegal at people's homes. The picketers sued, saying the ordinance violated their right to free speech and assembly.

CASE 2

In December 1965, some junior and senior high students in Des Moines, Iowa, wore black armbands to school. The armbands were to protest the Vietnam War. The school district had banned the wearing of armbands. Students would be asked to remove their armbands or face suspension. Suspended students said their freedom of speech had been violated.

CASE 3

A Nebraska man was accused of killing six members of a family. Newspapers printed a lot of information about the case. The lawyers in the case were afraid that all of the information in the news would make it impossible to have a fair trial. They asked a judge to stop the newspapers from publishing news about the case.

CASE 4

In 1966, during the civil rights movement, several students at Florida A & M University, a primarily black college, were arrested during a protest. To show support for these students, several hundred additional students marched from the school to the county jail. At the jail, they blocked the driveway, singing and clapping. The sheriff asked the students to leave, saying they were trespassing on jail property. About half the students did leave. The other half were arrested.

CASE 5

Children in Wisconsin were required to attend school until they were 16. However, members of the Amish religion did not want their children to attend school after grade 8. Instead, children were to stay in their communities, learning the jobs they would have as adults. When one 15-year-old Amish girl did not return to school after finishing grade 8, state officials tried to force her parents to send her to school.

Case Study Worksheet

1. What First Amendment right or rights were involved in your case?

2. What possible or real negative consequences caused concern?

3. Do you think these consequences were important enough to cause a First Amendment right to be limited?

4. If so, what limits would you suggest? Try to arrive at a solution to which everyone in your group will agree.

5. List some advantages and disadvantages to your proposed solution.

5 Is Flag Burning Protected Speech?

Introduction:

It is important for students to understand that the First Amendment is dynamic, changing as the society evolves. While citizens may disagree about such controversial First Amendment issues as flag burning, their ability to take and defend a position is a critical element in preserving our freedoms. In this lesson, students participate in a moot court activity based on the case of Texas v. Johnson. *To conclude the lesson, each student writes a brief essay taking a position on the case.*

Objectives: At the conclusion of this lesson, students will be able to:

- Explain what is meant by *symbolic speech.*
- Describe the procedure used by the Supreme Court in hearing and deciding cases.
- Take a position on a free speech issue.

Skills: Students will practice the following skills:

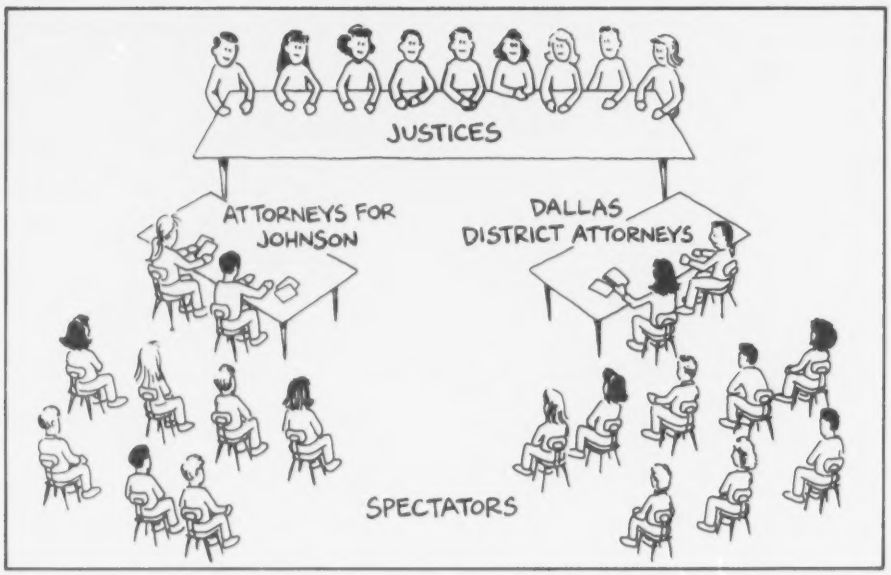
- Listening
- Speaking
- Evaluating positions
- Defending positions
- Writing

Time Required: 3-4 class periods

Materials and Preparation: For each student, you will need copies of Handouts 7 and 8. You will also need several copies of the various information sheets. For the day of the actual moot court, you will need to arrange the classroom as shown at the top of the next page. You may also want to arrange for such props as robes.

It is often helpful in conducting a moot court to have assistance from two or three lawyers or law students. Arrangements for such assistance should be made well in advance. Provide the resource people with copies of the materials and indicate how you want them to participate—to help students prepare the cases or to take active roles (Chief Justice, etc.) in the moot court. Your local bar association can provide names of lawyers who have volunteered to help with mock trials or moot courts in elementary schools.

You may want to send Letter 2 home to parents before using the lesson. If the issue of flag burning is likely to be extremely controversial in your community, you may want to arrange for a panel discussion of community people on both sides of the issue. Such a discussion will ensure that students are exposed to all viewpoints.



Procedure:

1. Remind students of the First Amendment cases they analyzed in the previous lesson. Point out that the First Amendment is constantly changing through court interpretations developed in cases such as these.

2. Tell students that a continuing First Amendment controversy involves burning the American flag. Ask students to speculate about why burning the flag would be a First Amendment issue. Write the words *symbolic speech* on the chalkboard, explaining that actions such as burning the flag are known as symbolic speech. Review with students what a symbol is, using their familiarity with map symbols as a reference point. For your convenience, a dictionary definition of *symbol* is: "something that stands for or represents something else." Symbolic speech is therefore an action that represents someone's thoughts or ideas.

3. Distribute Handout 7, which describes the case, and go over it with the students. Tell students that they will be enacting the Supreme Court hearing in the case. Read the following directions aloud to the class, noting such key points as the order and length of presentations on the chalkboard.

> When the Supreme Court hears an appeal, each team of attorneys is given a chance to present its position. The petitioners, who are appealing the lower court decision, present their case first. In this case, the Dallas District Attorney is the petitioner. The other party is called the respondent. Johnson and his attorneys are the respondents in this case. While the attorneys are making their presentations, the justices can interrupt to ask questions.
>
> After hearing the case, the court may take months to reach its decision. They read and reread briefs, or written arguments, prepared by the attorneys. The justices meet in private sessions in which they discuss their views on the case. They try to change each other's minds through these discussions and through writing memos and sending them to each other.
>
> When the final vote has been taken, one justice is selected to write the court's opinion. Any other justice may write a concurring or dissenting opinion. A concurring opinion

agrees with the Court's overall decision but may disagree with the reasons behind it. A dissenting opinion disagrees with the decision.

You will be enacting the Supreme Court hearing in the case of *Texas v. Johnson*. For this activity, each side will have approximately 15 minutes to present its case. The justices will then hold a public discussion and vote. The Chief Justice will serve as the discussion leader.

4. Divide the class into three groups—the defense team, the prosecution team, and the Supreme Court justices. Give the groups the information sheets appropriate for their positions, as well as Handout 8. Explain that they will have the rest of this class period and the following class period to prepare their arguments or questions. Decisions on who will actually speak for Johnson's defense team and the Dallas district attorney should be delayed until the second day, to prevent the work from devolving onto the students who will be speaking. When these decisions have been made, you may want to assign students who do not have active roles to be newspaper and television reporters.

5. Before the moot court begins, review the steps to be followed. Conduct the moot court. The justices should conduct their deliberations in front of the class. Class members can therefore note what arguments seemed to be most persuasive.

6. Discuss the outcome with the class. The following questions can be used in the debriefing:

- Did each person play his or her part well?
- What arguments did the attorney for Johnson present?
- What arguments did the Dallas district attorney present?
- What arguments were not presented at all?
- Which arguments seemed to influence the justices most?
- What was the decision? Do you think it was a good decision?

7. At this time, you may want to explain that the Supreme Court decided the case in 1989. By a 5 to 4 vote, the Court ruled that flag burning was protected by the First Amendment, as long as there was no danger of "rioting or other breach of peace." Said Justice Brennan, "We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents." Many people, including such leaders as President Bush, were outraged by the decision. Said Bush, "flag-burning is wrong, dead wrong, and the flag of the United States is very, very special." Congress then passed a law making flag burning illegal. The Supreme Court struck down this law in 1990, again by a 5 to 4 vote.

8. Assign students to write brief (one-page) essays presenting and defending their positions on the case.

Enrichment/Extension:

If any students were assigned to act as reporters for the moot court, they could present a news broadcast on the case or write news articles and editorials.

Have students conduct research into the responses to the Supreme Court ruling in *Texas v. Johnson*. What remedies were proposed? What arguments were made for and against such actions? What subsequent decision on flag burning has the Court made? What has happened because of it?

If you planned a panel discussion on flag burning, conduct it as a follow-up to the moot court.

Related Children's Literature:

Crampton, William, *Flag* (New York: Knopf, 1989).

This well-illustrated informational book describes the meanings and uses of flags.

Hentoff, Nat, *American Heroes: In and Out of School* (New York: Delacorte Press, 1987).

This book tells the stories of young people and educators who have fought to protect their First Amendment freedoms. The book reinforces the idea that the causes of those who pursue such cases are not always popular, but they are important. Although the book may be difficult reading for some intermediate students, many of the case studies are brief and could be read aloud in class.

Flag Burning and the First Amendment

The time: August 1984

The place: Dallas, Texas

The event: The Republican National Convention

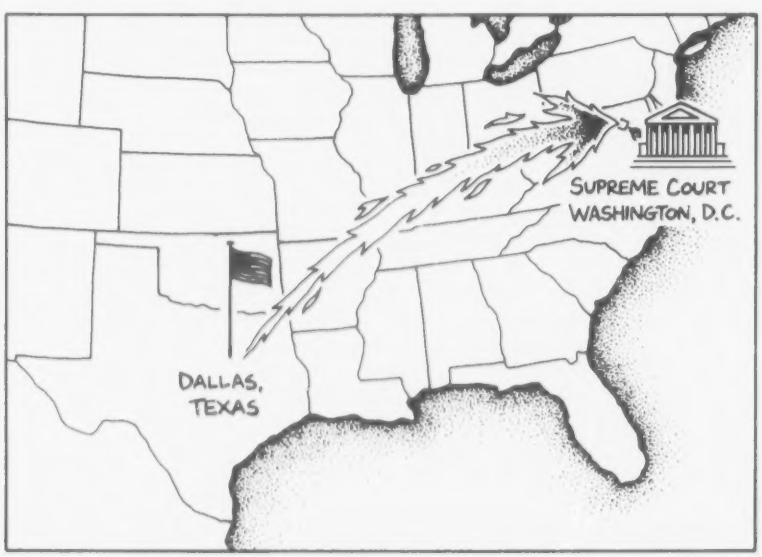
Gregory Lee Johnson was the leader of a protest group that marched around downtown Dallas. Sometimes they would collapse onto the ground. They said they were acting out the effects of a nuclear war.

Vandalism also occurred during the protest. Group members sprayed paint on buildings. They broke into a bank, where they tore up papers and turned over plants. The two plainclothes police officers in the group took no action.

In front of the Dallas City Hall, an American flag was taken from the flagpole. Johnson poured lighter fluid on the flag and set it on fire. Other group members stood in a circle around the flag, chanting. No violence occurred.

About 45 minutes later, uniformed police arrested Johnson. He was charged with violating a Texas law against desecrating (treating without respect) the flag.

A jury found Johnson guilty. He was sentenced to a year in jail; he was also fined $2,000. Johnson appealed. The state court of appeals upheld the conviction. Johnson appealed again. This time, the Texas Court of Criminal Appeals reversed the decision. Now, the Dallas District Attorney appealed on behalf of the state of Texas. The case went to the Supreme Court.



Previous Court Cases

In deciding cases, courts must consider earlier cases on similar issues. Such earlier cases are called precedents. Below are three precedents related to *Texas v. Johnson.* Decide which cases support your position and which do not.

United States v. O'Brien: To protest the war in Vietnam, David Paul O'Brien and three friends burned their draft cards on the steps of the South Boston Courthouse. (A draft card was a paper indicating that you were registered to be called into the armed services.) People gathered on the steps attacked O'Brien and his friends. O'Brien was arrested. He was charged with violating a law that said mutilating a draft card was illegal. O'Brien said the law violated his freedom of speech.

The Supreme Court ruled 8-1 that O'Brien's freedom of speech had not been violated. The Court said that a person could not simply say any activity was "speech." In addition, it said that the nation's need to maintain the armed forces was more important than free speech.

Street v. New York: In 1966, James Meredith, the first African-American student at Cle Miss University, was shot. To protest, a New York man named Street burned a U.S. flag in an intersection. When a police officer asked Street if he had burned the flag, Street said, "Yes, that is my flag; I burned it. If they let that happen to Meredith, we don't need an American flag." Street was charged with violating a New York law that made it a crime to mutilate, deface, or "cast contempt upon either by words or act" the flag. Street said the law violated his free speech rights.

In a 5-4 vote, the Supreme Court agreed with Street. The Court said that though we might disagree with Street's opinion, his right to express his views was protected by the Constitution. It also said that the words were not "fighting words" likely to cause violence among the people who saw Street burn the flag. The justices who disagreed said "Protest does not exonerate (allow) lawlessness."

Spence v. Washington: Spence was a college student in 1970. Spence wanted to protest the war in Vietnam and the killing of students by National Guardsmen at Kent State University. He hung an American flag upside down from his apartment window. Over the flag he placed a peace symbol made from black tape. Spence was convicted of violating a Washington law that prohibited placing anything over a flag. Spence said he was using his freedom of speech. He also pointed out that the tape could be removed.

In a 6-3 ruling, the Supreme Court agreed with Spence. It pointed out that the flag belonged to Spence and was displayed on his own home. The Court also said Spence was clearly expressing an idea through his action and that the state could not demonstrate a clear reason for preventing the expression of this idea.

Justices

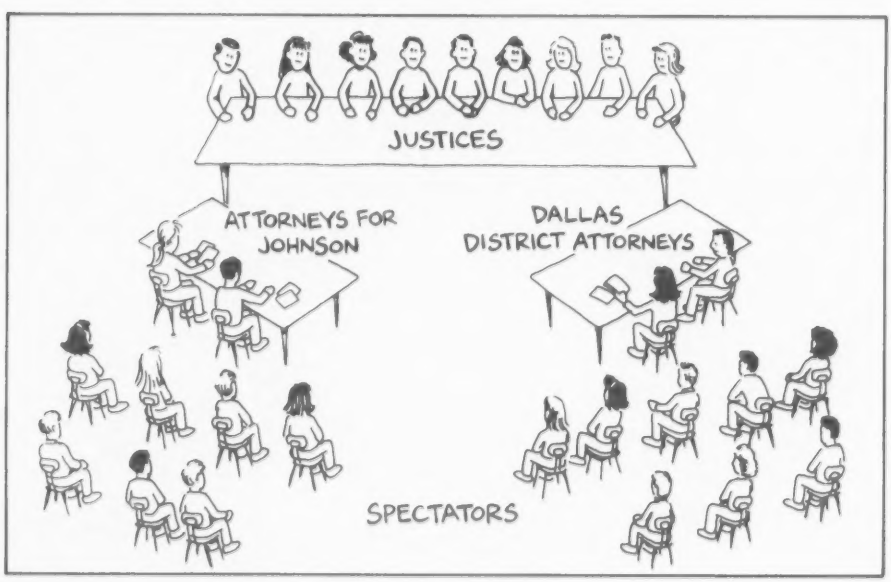
In preparing to hear the case, you should review all the information on the case and previous cases. Develop a list of questions that you want to ask the attorneys. These questions might have to do with details of the case that you do not understand. They might ask the attorneys to clarify some facts or to tell how previous cases relate to this one.

To get you started, here are a few of the things the Supreme Court Justices asked questions about when this case was heard. Read this list and try to decide why these topics might be important in reaching your decision.

- The importance of preserving a respected symbol of our country.
- Whether someone could burn a copy of the Constitution.
- Whether the flag was stolen.
- Whether the Texas law was designed to prevent violence or a breach of the peace.

Remember that the Dallas District Attorney is the petitioner and presents first. Johnson and his attorneys present second. You can interrupt the attorneys with questions at any time. The Chief Justice should lead your discussion of the case after the presentations.

The "courtroom" will be arranged as shown below.



Attorneys for Johnson

To prepare for your presentation before the Supreme Court, you should carefully prepare a brief statement of your position. Be sure the statement includes facts that support your position. It should also mention any earlier cases that support your position.

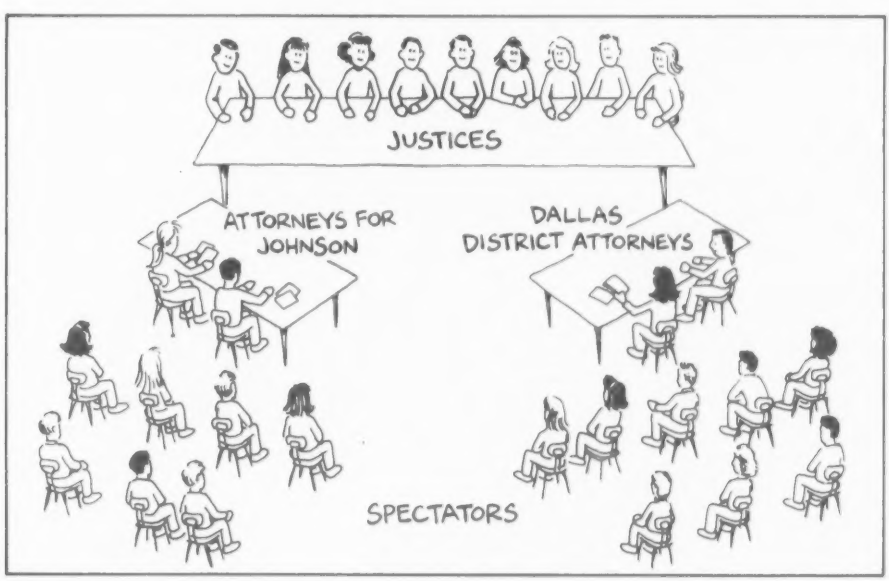
To get you started, here are some points made by Johnson's attorney at the actual Supreme Court hearing:

- Johnson's activities were symbolic speech protected by the First Amendment.
- Previous court rulings had protected symbolic speech.
- Johnson's activities did not pose a danger to the public. In fact, the only danger was to Johnson, who might have been attacked by spectators.

When you have outlined and written your statement, pick one student to present it. At least two other group members should be prepared to answer questions from the Justices. You should also think about how to tear down the arguments of the other side. Since you are the respondent, you will present second.

Remember: the Justices can interrupt at any time—even before you have made all your points.

The "courtroom" will be arranged as shown below.



Dallas District Attorney

To prepare for your presentation before the Supreme Court, you should carefully prepare a brief statement of your position. Be sure the statement includes facts that support your position. It should also mention any earlier cases that support your position.

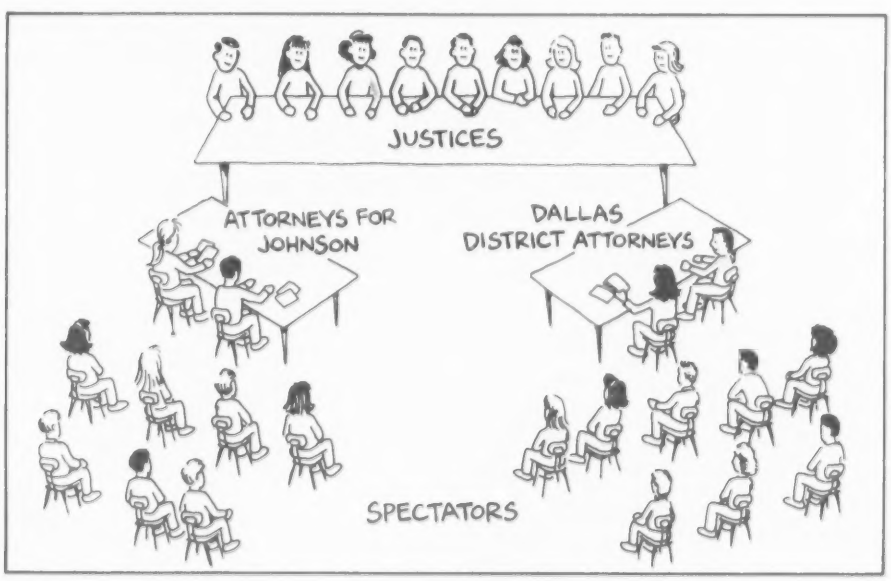
To get you started, here are some points made by the Dallas District Attorney in the actual Supreme Court hearing:

- Johnson was charged because of his action—burning the flag—not because of the ideas he was expressing.
- The state did not need to show that the action was dangerous because it has a special interest in preserving the flag as a symbol of the nation.
- In fact, the action was likely to cause violence.

When you have outlined and written your statement, pick one student to present it. At least two other group members should be prepared to answer questions from the Justices. You should also think about how to tear down the arguments of the other side. Since you are the petitioner, you will present first.

Remember: the Justices can interrupt at any time—even before you have made all your points.

The "courtroom" will be arranged as shown below.



Dear Parents,

As part of our study of the First Amendment, we are going to be conducting a "mock Supreme Court hearing." The case we will focus on is *Texas v. Johnson.* This was the 1989 case involving burning the American flag. Because it concerned freedom of speech, *Texas v. Johnson* was a First Amendment case.

The issue of burning the American flag is a controversial one. Through the arguments presented to the Court, students will be exposed to both sides of the question. By considering both sides of controversial issues, they will be better able to make decisions when they become citizens.

If you have any questions about this activity, please call me or send a note to school with your child. If you would like to visit class on the day of the "mock hearing," let me know and I will tell you exactly what day and time the activity will occur.

Sincerely,

6 Was a Bill of Rights Necessary?

Introduction:

Through a simple game, this lesson introduces students to some of the arguments in favor of and opposed to including a bill of rights in the Constitution. The game also covers some of the steps in the adoption of the Bill of Rights. The game can be used as the basis of a full-class lesson or can be placed in a learning center for independent student use.

Objectives: At the conclusion of this lesson, students will be able to:

- Give some of the arguments for and against including a bill of rights in the Constitution.
- Describe how the Bill of Rights was added to the Constitution.

Skills: Students will practice the following skills:

- Distinguishing
- Following directions

Time Required: 1 class period

Materials and Preparation: You will need one copy of the game board and one set of cards for each group. The game board can simply be copied onto paper, but it will be more durable if then glued onto cardboard. When you have copied and cut out the cards, you will need to mark the backs to indicate whether each gives a reason for or against inclusion of a bill of rights in the Constitution. The cards at the top of the sheet are reasons for including a bill of rights; those on the bottom are reasons against its inclusion.

You will also need markers (squares cut from four different colors of construction paper) and several coins.

Procedure:

1. Review with students the fact that a bill of rights was not included in the Constitution when it was first adopted. Encourage students to speculate on how the bill of rights became part of the document that provides the foundation for our government.

2. Tell students that they will be playing a simple game that will help them learn how the Bill of Rights, including the First Amendment, was added to the Constitution. Give each group one coin, four markers, a game board, and a set of cards. The cards should be placed face up on the board.

3. Explain the directions to the students:

- Begin with all four markers on the "Start" square.
- The first student should flip the coin and move 1 square for heads and 2 for tails. Students should read the messages on the squares on which they land. If the square directs them to take a card, they are to take a card, read the argument given on the card, and then decide

whether this is a reason for or against including a bill of rights in the Constitution. Answers can be checked on the backs of the cards. If they are correct, they can move ahead 2 spaces.

- The first student to reach the final square and answer the three questions correctly is the winner.

4. Allow time for groups to play the game. Circulate throughout the groups, making sure that all students understand the rules.

5. Conduct a class discussion of what students learned from the game, highlighting the major steps in enactment of the Bill of Rights and posting the arguments for and against its inclusion in the Constitution. Take a class vote on whether students believe the Bill of Rights was necessary.

Enrichment/Extension:

The fact that James Madison changed his mind about the necessity for a Bill of Rights was a key factor in its adoption. Can students recall a time when they changed their minds about something? Why did they do so? Did they get new information? Were they convinced by someone else's argument? Did they feel a commitment to helping someone else? Have students investigate Madison's reasons for changing his mind and compare them to the reasons they identified for their own changes. Conduct a class discussion of this topic, pointing out that being willing to change your mind is a sign of having an open mind, an important asset in a democracy.

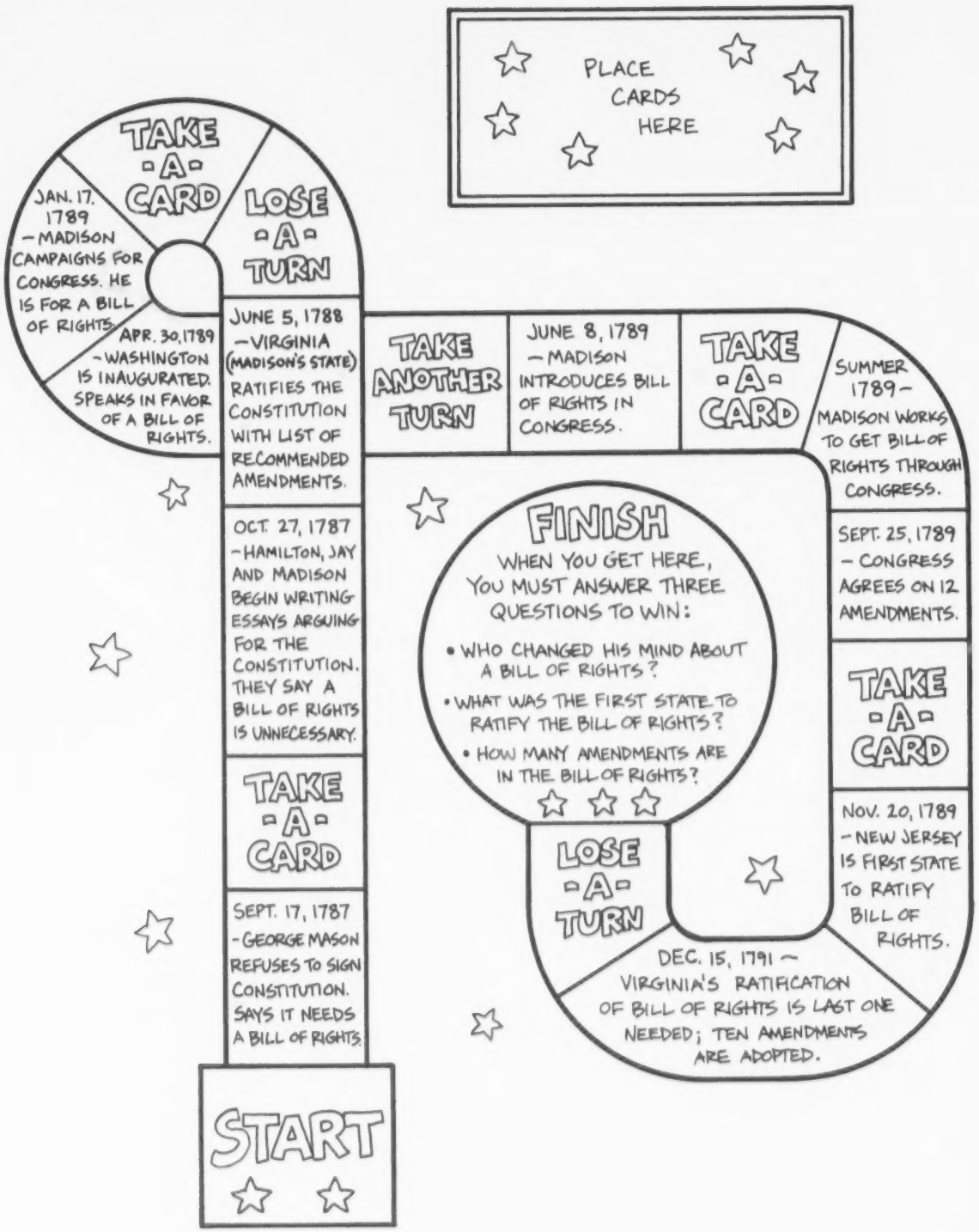
Related Children's Literature:

Fritz, Jean, *The Great Little Madison* (New York: G.P. Putnam's, 1989).

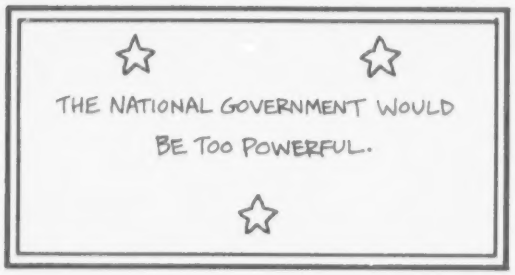
This recent biography of Madison by the renowned children's author describes his childhood, as well as his political life and marriage to Dolley. Encourage students who read the book to create a collection of materials that expand upon what they learned in the book. The collection could include student-drawn maps of Madison's travels, a timeline of his life, pictures or dioramas of scenes described in the book, menus that might have been served in Madison's home, a glossary to accompany the book, and so on.

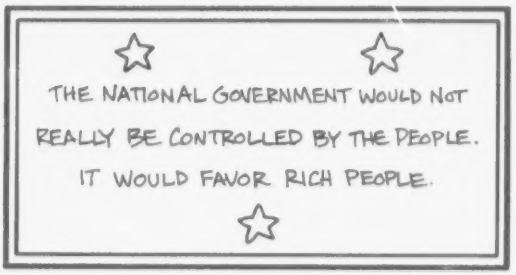
Meltzer, Milton, *The Bill of Rights: How We Got It and What It Means* (New York: Harper Collins, 1990).

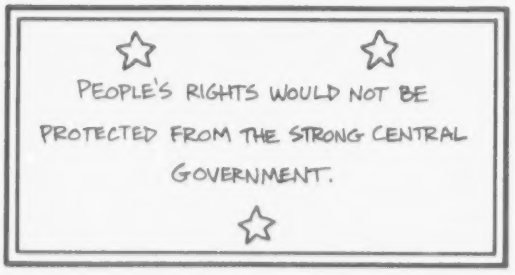
Another work by a noted children's author, this book reviews events that led to the adoption of the Bill of Rights. What each amendment means is also explained, and current issues related to the amendments are described. An excellent avenue for extending students' understanding beyond the First Amendment.

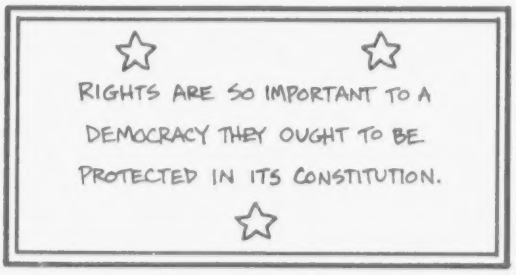

PLACE CARDS HERE
TAKE A CARD
LOSE A TURN
JAN. 17, 1789 – MADISON CAMPAIGNS FOR CONGRESS. HE IS FOR A BILL OF RIGHTS.
APR. 30, 1789 – WASHINGTON IS INAUGURATED. SPEAKS IN FAVOR OF A BILL OF RIGHTS.
JUNE 5, 1788 – VIRGINIA (MADISON'S STATE) RATIFIES THE CONSTITUTION WITH LIST OF RECOMMENDED AMENDMENTS.
TAKE ANOTHER TURN
JUNE 8, 1789 – MADISON INTRODUCES BILL OF RIGHTS IN CONGRESS.
TAKE A CARD
SUMMER 1789 – MADISON WORKS TO GET BILL OF RIGHTS THROUGH CONGRESS.
SEPT. 25, 1789 – CONGRESS AGREES ON 12 AMENDMENTS.
TAKE A CARD
NOV. 20, 1789 – NEW JERSEY IS FIRST STATE TO RATIFY BILL OF RIGHTS.
DEC. 15, 1791 – VIRGINIA'S RATIFICATION OF BILL OF RIGHTS IS LAST ONE NEEDED; TEN AMENDMENTS ARE ADOPTED.
LOSE A TURN
FINISH
WHEN YOU GET HERE, YOU MUST ANSWER THREE QUESTIONS TO WIN:
• WHO CHANGED HIS MIND ABOUT A BILL OF RIGHTS?
• WHAT WAS THE FIRST STATE TO RATIFY THE BILL OF RIGHTS?
• HOW MANY AMENDMENTS ARE IN THE BILL OF RIGHTS?
OCT. 27, 1787 – HAMILTON, JAY AND MADISON BEGIN WRITING ESSAYS ARGUING FOR THE CONSTITUTION. THEY SAY A BILL OF RIGHTS IS UNNECESSARY.
TAKE A CARD
SEPT. 17, 1787 – GEORGE MASON REFUSES TO SIGN CONSTITUTION. SAYS IT NEEDS A BILL OF RIGHTS
START

Arguments Supporting a Bill of Rights

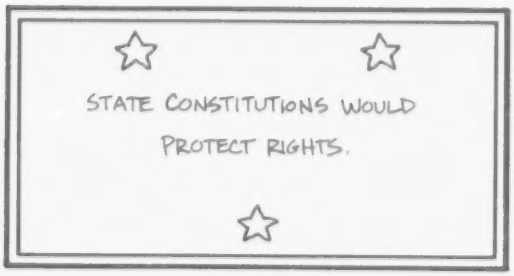


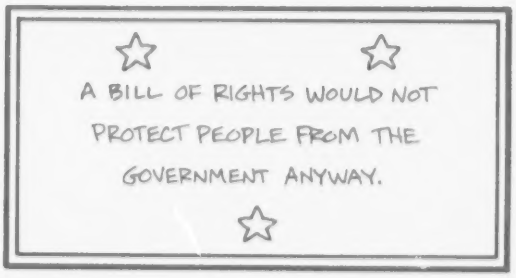


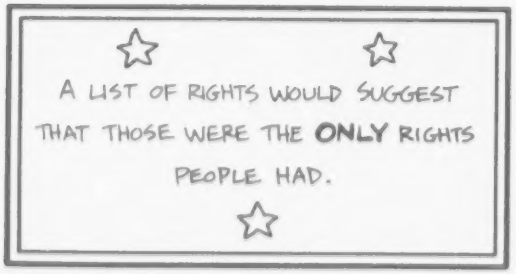


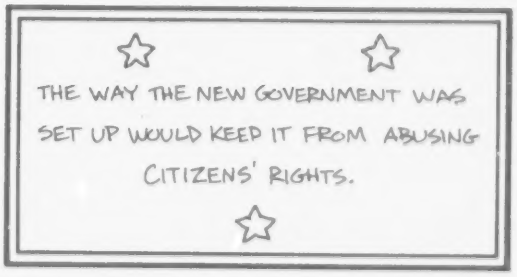


Arguments Against a Bill of Rights









7 How Has the First Amendment Changed?

Introduction:

It is important for students to understand that the Constitution is a living document with a continuous history. The amendment, like the Constitution itself, did not apply to "all of the people." It wasn't until subsequent amendments, new court interpretations, and new laws were passed that African-Americans, Native Americans, women, and many others were included. Through a brief simulation, discussion, and interview, students learn about the expansion of First Amendment rights.

Objectives: At the conclusion of this lesson, students will be able to:

- Understand that the First Amendment did not originally protect all Americans.
- Explain how First Amendment protections were extended to more Americans.

Skills: Students will practice the following skills:

- Inferring
- Discussing
- Supporting a position

Time Required: 1 class period

Materials and Preparation: Copies of Letter 3, copies of the Constitution (those reprinted in textbooks or encyclopedias will work)

Procedure:

1. Ask all of the students who were born between January 1 and March 15 to leave their seats and stand at the side of the room. Tell them they represent minorities in the United States. Then ask the seated students to count off by twos: 1's, who represent white women, should join those at the side of the room; 2's, who represent white men, should remain seated. Next, ask those who live in a rented apartment or house to stand. Tell half of them to join the students at the side of the classroom and allow the others to be seated. Explain to students that those who are seated represent the people to whom the Constitution and Bill of Rights applied when they were written; in half the states all white males could vote while in the other half only propertied white males could vote. As a result, these were the only people who had the full protection of the First Amendment.

2. Ask students how this information squares with their view of a democracy. Is it fair to extend freedoms only to some people? How does this make the people standing to the side of the room feel? What might be the result if large numbers of people were denied rights for a long period of time?

3. Have students return to their seats. Next ask them to consider the following scenario. Imagine that the rules of your school district state that principals cannot interfere with students' right to have free time following lunch. However, the rules allow teachers to interfere with free time. How well protected is students' right to free time?

4. Review with students the wording of the First Amendment, pointing out that it starts with the words "Congress shall make no law." This means that when it was first passed, the First Amendment only applied to the federal government; First Amendment rights were not necessarily protected from actions by state or local governments (although many state constitutions did have bills of rights). Often, state and local governments were less willing to extend rights to new groups.

5. Briefly explain to students that rights have been extended to additional groups through a variety of means. The addition of the Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments gave the right to vote to additional groups, thereby expanding citizenship. The Fourteenth Amendment, which forbids states from denying the equal protection of the laws to citizens, has been used to extend the Bill of Rights to state governments.

6. If time permits, divide the class into small groups, giving each group a copy of the Constitution. Send each group on a "scavenger hunt" to determine where provisions for amending the Constitution are found (Article V) and how the amendments listed above changed voting rights. As groups report out, review the procedures for amending the Constitution with the class.

7. Point out that the courts, and especially the Supreme Court, play a key role in defining our freedoms at any given time. Review with students the idea that the courts, or judicial branch of government, interpret the law; they decide what the law, including the Constitution, means. When someone thinks the government is taking an action that violates First Amendment rights, for example, they can take the question to court (i.e., sue). Ask students if they remember any such cases they have learned about while studying this unit (*Frisby vs. Schultz* and *Nebraska Press Association v. Stuart*; see Lesson 4). If someone is charged with a crime for doing something they believe is protected by the First Amendment, they can ask the courts to rule on whether their action was protected. Again, ask students if they can remember any cases like this (*Tinker v. Des Moines*, *Adderly v. Florida*, *Wisconsin v. Yoder*, *Texas v. Johnson*; see Lessons 4 and 5). Be sure that students understand that a case does not immediately go to the Supreme Court; instead, it is appealed through a system of state or federal courts before reaching the Supreme Court. Many cases never reach the Supreme Court.

8. Explain that while the Court can expand freedoms, it can also limit them. Some rights of young people are limited, for example. Ask: Is the system of rating movies a restriction of young people's rights? What are the benefits of this restriction? What are its costs, or negative effects? Do you think the system is a fair restriction? Briefly discuss the issue, pointing out that movie ratings are not a governmental restriction, but one established by a private industry. The rating system carries no legal sanctions. Ask students whether they would feel differently about the system if it had been established by law. Distribute Letter 3 and go over it with students.

Extension/Enrichment:

Older students might research and construct a timeline on expansion of First Amendment rights. Other students might create editorial cartoons, letters to the editor, posters, raps, or other works illustrating their views on the following question: Should the First Amendment rights of young people be restricted in order to protect them from situations they are not mature enough to handle?

Related Children's Literature:

Weiss, Ann E., *The Supreme Court* (New York: Enslow, 1987).

This informational book looks at famous cases in various eras of the Supreme Court's history. Diagrams of the judicial system are provided.

Walter, Mildred Pitts, *The Girl on the Outside* (New York: Lothrop, 1982).

This work of fiction on the 1957 integration of Central High School in Little Rock, Arkansas, centers around one black and one white student, examining their efforts to change society for the better.

Dear Parents,

Today, we discussed the fact that some groups, including women and minorities, were not protected by the First Amendment when it was added to the Constitution. Students learned that while young people have the same First Amendment rights as adults, their rights may be more limited because of society's responsibility to protect children. This is, as you might guess, difficult for students to understand.

To help students gain a better view of why there are restrictions on their rights, they are to interview their parents on one such restriction: the movie rating system. These responses will not be shared with the class. The activity is simply designed to help students understand the adult viewpoint.

I hope you will participate in this activity with your child.

Sincerely,

* * * * * * * * * * * * *

Students: Ask your parents these questions:

1. Are you in favor of a movie rating system?
   Please give the most important reason for your answer.
2. Would you take your child to see an "R" rated movie? Why or why not?
3. Do you think another rating system would help you make better decisions about what you want your child to see? For example, do you think a V (violent)/NV (nonviolent) rating system is a good idea?
4. If you support a rating system, at what age do you think young people should be able to make their own decisions about what to see?

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Students: Think about these questions:

1. How are your parents' views different from yours?
2. Did talking to your parents change your ideas? Why or why not?

8 Liberties Around the World

Introduction:

The rights a society deems worthy of protection reflect that society's values. Students should be aware that many other nations also value the rights protected by the First Amendment. In this lesson, students use clues to identify four nations that protect rights similar to those listed in the First Amendment. It would be especially worthwhile to do the **Enrichment/Extension** *activity, which suggests that an immigrant from Eastern Europe visit the class, as a culminating experience for the unit.*

Objectives: At the conclusion of this lesson, students will be able to:

- Identify several nations that protect rights similar to our First Amendment rights.
- Recognize that rights reflect values.
- Understand that some immigrants come to the United States because they do not enjoy such rights in their home countries.

Skills: Students will practice the following skills:

- Inferring
- Locating countries on a world map
- Comparing/contrasting

Time Required: 1 class period

Materials and Preparation: You should have a world wall map available for reference. If you plan to do the **Enrichment/Extension** activity, you will need to make arrangements for the visitor well in advance of the lesson.

Procedure:

1. Explain to students that the rights a democratic nation protects show what the people of that nation think is important. For example, freedom of speech shows that Americans think that exchanging views freely is important.

2. Ask students if they think that other nations think the same things are important as Americans do. Do other nations have rights similar to ours? (Yes) You may want to point out that the U.S. Bill of Rights has even been used as a model by other countries in writing their constitutions.

3. Tell students they will be learning about four countries that have some of the same rights as those protected by the First Amendment. They will use clues to identify these nations.

4. Divide the class into two groups. Beginning with the first group, read the six-point clue for the first nation. If the group cannot identify the nation, give the next clue to the other group; continue alternating clues and teams until the country is identified. The group identifying the country correctly gets the number of points equal to the number of the clue. You might offer a 1-point bonus if students

can locate the country on a world map. Continue with the other nations, alternating which team gets the first clue. The four nations are France, Venezuela, Canada, and Japan.

Country 1

6-point clue: Rights based on Declaration of the Rights of Man, adopted in 1789. Rights include freedom to speak, write, and print opinions. Equality under the law was also a key part of the declaration.

5-point clue: Population: 55 million

4-point clue: Famous slogan: *Liberté, Egalité, Fraternité*

3-point clue: Known for: cooking, fashion, art

2-point clue: Location: Europe

1-point clue: Capital: Paris

Country 2

6-point clue: Rights based on 1961 constitution (26th since independence in 1811). Rights granted include privacy of correspondence and freedom of expression, including religion, thought, and press.

5-point clue: Population: 18 million

4-point clue: Known for: tropical climate, oil

3-point clue: Language spoken: Spanish

2-point clue: Location: South America

1-point clue: Capital: Caracas

Country 3

6-point clue: Charter of Rights included in constitution of 1982. Fundamental freedoms protected include freedom of conscience and religion; freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association.

5-point clue: Population: 26 million

4-point clue: Famous for: hockey, our number 1 trading partner, both French and English are spoken

3-point clue: Second largest country in the world

2-point clue: Location: North America

1-point clue: Capital: Ottawa

Country 4

6-point clue: New constitution adopted after World War II included protection for these rights: freedom of thought and conscience, freedom of religion, freedom of assembly, freedom of association, freedom of speech, the right to participate in government, to petition, and to sue for redress.

5-point clue: Population: 121 million

4-point clue: Proverb: One man's story is no story; hear both sides.

3-point clue: Famous for: electronics, flower arranging, paper folding art

2-point clue: Location: Asia

1-point clue: Capital: Tokyo

5. When students have completed the activity, lead a discussion comparing and contrasting the rights guaranteed in these nations with the rights protected by the First Amendment.

6. Point out that First Amendment rights are not protected in all countries of the world. Tell students you are going to read several examples that illustrate lack of rights in other nations. As you read the items, discuss with students the rights being denied (note that some of the items involve other than First Amendment rights).

- In 1971, Julio de Pena Valdez was arrested in the Dominican Republic for organizing a union. He was charged with unlawful political activity.
- In 1980, Hanna Mykhaylenko was arrested in the Soviet Union because police found a copy of the U.N. Declaration of Human Rights in her home. She was charged with anti-Soviet agitation.
- In 1986, Ramiro Oliveres, a doctor in Chile, was arrested because he gave medical assistance to a wounded "subversive."
- In 1987, Ntombazana Gertrude Botha was arrested in South Africa. Botha worked for a religious organization that was involved in political actions. No charges were brought against her, but she was detained for two years.
- In 1985, Great Britain refused to allow one of its former agents, Peter Wright, to publish a book that described burglaries committed by the government.
- In 1973, Waldo Gonzalez was arrested in Chile for holding views opposed to the government, a military dictatorship. He was tortured for five years.

Tell students that people in many countries have been working to win the freedoms we take for granted. In 1989 in China, students were killed demonstrating for democracy and human rights. Protests in Eastern Europe have contributed to winning new rights in many countries in that region. The Soviet Union is revising its attitudes toward free expression.

Extension/Enrichment:

Invite an immigrant from Eastern Europe to talk to the class about what life was like in his/her home country before the recent changes in the region. Students may prepare questions for the visitor in advance; these questions could then be shared with the visitor to allow him/her to prepare.

Divide the class into groups, assigning each group one of the following world regions: North America (including Central America), South America, Europe and the Soviet Union, Asia, Australia and Oceania, Africa, and the Middle East. Each group should monitor the news for two weeks, looking for examples of human rights violations or protection of human rights in the assigned region. At the end of the monitoring period, each group should present a "State of the Region" discussion on human rights.

Related Children's Literature:

Aesop's Fables.

A number of different collections of fables could be used to discuss values relating to freedom of expression. A recent version with an interesting twist is *Anno's Aesop*, by Anno Misumasa (New York, Orchard Books, 1989). This collection of some of the best-known stories in literature contains a second set of stories as well. These stories, made up by a character named Mr. Fox to fit the same illustrations, often run counter to the original tales.

A Children's Chorus (New York: Dutton, 1989).

This book provides illustrations designed to show students what the 10 provisions of the United Nations Declaration of the Rights of the Child mean. The illustrations were drawn by artists from around the world. Students could compare these rights with those listed in our Bill of Rights and consider why children might need special protection. They should be aware through this lesson that these rights are goals that are not yet in practice everywhere. They might analyze whether they think American children do, in fact, have all the protections guaranteed in the declaration.

The Season of Secret Wishes (see Lesson 3) would also be appropriate for use with this lesson.

Suggested Projects

Cooperative Group Project

Divide the class into five groups, assigning one of the areas covered by the First Amendment to each group. Explain that the groups are to conduct research and then make presentations that will help their classmates more fully understand the First Amendment rights. Tell groups to assign specific coordinating tasks to each group member; these might include leader, record keeper, presentation director, and research coordinators. You may also wish to assign specific items that each group should address in its presentation; for example, each group might be required to provide a definition of its right, two example cases that dealt with that right, and an editorial and editorial cartoon focusing on an issue related to that right. Announce when the presentations will be made; be sure to allow adequate time for discussion of the various issues raised in the presentations.

Cross-Age Teaching Project

Often, teaching someone else about a topic is the most effective form of learning. Plan a cross-age teaching project on one concept related to the First Amendment, such as expression. Arrange for your class to work with primary-grade students to develop their understanding of the concept. This might be a fairly simple project involving reading a work of children's literature, such as *Frederick* by Leo Lionni, to the younger children. It might also be a more elaborate ongoing project involving reading, art, and other activities, with the two classes working together on a weekly basis. The *Education for Freedom: Lessons for Teaching the First Amendment in the Primary Grades* unit can be used as a source of ideas for cross-age teaching projects.

Survey Research Project

This unit on the First Amendment covers a number of topics that would make good subjects for survey research projects. For example, students might focus on people's attitudes towards a key case in the unit—the flag burning case. Do people understand the Court's reasoning in protecting flag burning? Do they agree with it? If they disagree with it, what remedies do they support? Another focus for a survey research project might be which right people would give up if they had to choose. Students might collect data comparable to that published in a recent study by People for the American Way.[3] In that study, young people aged 15 to 24 were asked which of the following rights they would give up first: speech, religion, vote, career, property, protest, or press. Freedom of the press (27 percent), freedom to protest (17 percent), and the right to own property (15 percent) were the rights people were most willing to give up; freedom of speech was the one they were least willing to give up.

Whatever topic students select for the project, the following steps should be included: (1) deciding what information about the topic they want, (2) deciding from whom they want to gather information, (3) designing the survey instrument, (4) collecting the data, (5) analyzing the data and drawing conclusions, and (6) reporting on the study. Try to arrange for a public forum in which the results of the study can be shared, whether within the school or the larger community.

Art Projects

Numerous art projects focusing on the First Amendment can be developed. For example, the teacher might write a provocative quotation about one of the First Amendment rights on the

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[3] *Democracy's Next Generation: A Study of Youth and Teachers* (Washington, DC: People for the American Way, 1989), p. 71.

chalkboard. Students could then create works in the medium of their choice (mobile, collage, cartoon, etc.) to express their reaction to the quotation. Some example quotations follow:

- Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. (Justice Robert H. Jackson)
- Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion...is but knowledge in the making. (English author John Milton)
- In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. (Justice Hugo Black)
- Conventional methods of petitioning may be...shut off to large groups of our citizens. Legislators may turn deaf ears; formal complaints may be routed endlessly through a bureaucratic maze; courts may let the wheels of justice grind very slowly. Those who do not control television and radio, those who cannot afford to advertise in newspapers or circulate elaborate pamphlets may have only a more limited type of access to public officials. (Justice William O. Douglas)

Bibliography

The following is a very brief "starter list" of resources on the First Amendment and Bill of Rights. For more extensive bibliographic listings, see the book by Patrick and Leming listed below. *Update on Law-Related Education*, a journal published three times each year by the American Bar Association, is a useful resource for keeping up to date with new materials and Supreme Court decisions.

Curriculum Resources

"Freedom Has a Name: The Bill of Rights," special issue of *Update on Law-Related Education* (Spring 1991). Substantive articles and teaching strategies.

Our American Rights, developed by *Learning Magazine* (Washington, DC: Commission on the Bicentennial of the United States Constitution, 1990). Learning activities and poster illustrations.

Patrick, John J., and Robert S. Leming, *Resources for Teachers on the Bill of Rights* (Bloomington, IN: ERIC Clearinghouse for Social Studies/Social Science Education, 1991). Sample lessons.

Repa, Barbara Kate, ed., "First Amendment Rights," special section of *Social Education* (October 1990). Substantive discussions, opinion pieces, and classroom activities.

Media Materials

Dateline 1787: The U.S. Constitution Convention (Chicago: National Radio Theatre, 1987). Audiocassettes. Radio programs modeled on a nightly news broadcast.

Game School Constitution, The (Neenah, WI: Game School Corporation, 1987). Board game. Focuses on the provisions of the Constitution and their impact on our society.

Great American Trials: Peter Zenger (Westminster, MD: Educational Enrichment Materials, 1982). Filmstrip/cassette. Explores the impact of the case on the American constitutional system.

New Tests of the First Amendment (New York: New York Times, 1980). Filmstrip/cassette. Focuses on First Amendment cases of the 1960s and 1970s.

The United States Constitution: Document for Democracy (Chicago: Society for Visual Education, 1986). Color videocassette. Covers the constitutional convention and the Constitution today.

Background Reading

Alderman, Ellen, and Caroline Kennedy, *In Our Defense: The Bill of Rights in Action* (New York: Morrow, 1991). In-depth studies of civil liberties cases that have made history.

Haskel, Claudia A., and Jean H. Otto, eds., *A Time for Choices* (Denver, CO: First Amendment Congress, 1991). Essays on the amendments comprising the Bill of Rights.

Hentoff, Nat, *The First Freedom: The Tumultuous History of Free Speech in America* (New York: Delacorte Press, 1988, rev. ed.). Readable analysis of cases related to the freedom of speech.

Inglehart, Louis, *Press Freedoms* (Westport, CT: Greenwood Press, 1987). A history of freedom of the press from 4000 BC to the late 1980s.

Irons, Peter, ed., *The Courage of Their Convictions: Sixteen Americans Who Fought Their Way to the Supreme Court* (New York: The Free Press, 1988). Case studies on the Bill of Rights.

Appendix:
Social Science Concepts
in the Intermediate Materials

The social studies curriculum in the intermediate grades typically deals with the state in grade 4, the nation in grade 5, and the world or one of its hemispheres in grade 6. Geography and history are the central disciplines in these grades, although ideas from the other social sciences are also incorporated. This unit supports the curriculum, including concepts from the seven social sciences.

Geography: The lessons deal with ideas related to two of the fundamental themes of geography—place and movement. The study of place involves becoming familiar with the human characteristics of various locations; behaviors related to First Amendment rights are important human characteristics in our society. Furthermore, the desire to win such rights has prompted movement between regions—i.e., immigration—a factor that is also dealt with in the unit.

Economics: The concept selected from this discipline is interdependence. This notion is developed through activities that promote understanding of the responsibilities of citizens who live together in a community.

Sociology: In sociology, the norms of behavior are studied, making this a logical discipline to examine the norms of expression in society. The First Amendment protects various modes of expression.

Anthropology: In anthropology—the study of human beings—the rituals of expression are explored to understand how everyday behavior relates to concepts underlying the First Amendment. Rituals are frequently transmitted through myth and story, making literature an appropriate vehicle for classroom activities.

Political Science: The materials deal with several concepts of this discipline—authority, responsibility, participation. To understand rights guaranteed by the U.S. Constitution, one must know how power is either retained or given over to officials by the people. The citizen's role and behavior both regulate and are regulated by authority. Citizens give up some authority to live together in a constitutional democracy. Through exercising responsibilities and participating, they can shape that authority.

History: History enables the student to understand development and change, to realize that effects have more than one cause and that events are related. The inclusion of the Bill of Rights in the U.S. Constitution was and continues to be a very significant part of our history. The debates and disagreement concerning the Bill of Rights are as timely today as they were in the past.

Psychology: In this discipline, the aspect most appropriate for related study is social psychology, the study of how personality is shaped by and also shapes the social environment. Expression is received and interpreted by others. An understanding of how one's expression influences others and is understood or misunderstood is an important cornerstone to acting with responsibility and concern for the human environment in which each citizen lives.